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EDITORIAL

LENNON HAS A LEGACY

John Lennon was born in 1940, when the bombs were general all over England. War was a commonplace of his childhood, and when we try to sort out what he brought to the generation that mourns him so deeply, we naturally think first of his music, and then of the ways in which he and the Beatles tied that music to the peace movement of the late 1960s and early 1970s.

The Beatles, and John Lennon in particular, used their huge popularity to disseminate a sort of benign antiwar publicity politics. "War is over, if you want it," Lennon and his wife, Yoko Ono, proclaimed in full-page Christmas ads in 1971. Their messages were occasional, diffuse and eccentric, but Lennon opened up rock-and-roll to politics, and in an innocent, impulsive way, he worked for peace. Young people loved him for that and the music. Not so young now, they are behaving as though a President had been killed. An unacknowledged President who stood for peace, Lennon is inextricable from their memories of Vietnam and the moratoriums.

Elsewhere in this issue, Dorothy Day, a pacifist who spoke for an earlier generation, is memorialized. Like Day, Lennon believed that there were many potential recruits for the peace reserves—they only needed calling up. "You may say I'm a dreamer," he wrote, "but I'm not the only one."

Lennon had all the most alluring qualities of the 1960s: innocence, spontaneity, seditious humor, belief. In an interview on the day of his murder, he expressed the hope that the 1980s, like the 1960s, would be a decade of positive action. Now, with Moscow and the West activating their military reserves, it would be a far better remembrance of John Lennon to work for the peace movement he believed in than to long nostalgically for the decade he symbolized.

DOROTHY DAY
Wilfrid Sheed
Colman McCarthy

OSHA AND THE HIGH COURT
Edward H. Greer

POLAND AND THE BANKS
Wendy Cooper

THRILLERS: WHO READS THEM?
Robert Lekachman

CAPUTO IN AFRICA
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SIDNEY HOOK
Philip Green

TERRORISM IN EL SALVADOR

THE JUNTA'S WAR AGAINST THE PEOPLE

JAMES PETRAS

On October 15, 1979, a coalition of left and centrist political groups joined reformists and rightist military factions to form a revolutionary junta, proclaiming their intention to redistribute land and democratize El Salvador. Thirteen months later a number of the civilian reformers who had participated in the formation of the original junta were kidnapped and murdered.

The November 27 assassination of the six leaders of the Salvadoran Democratic Revolutionary Front (a federation of several opposition groups) was only the most recent in the junta's all-out effort to eradicate its opposition with the army serving as its "enforcer." The active collaboration between the regime and the security forces was evident in the scores of armed soldiers who surrounded the meeting place where the kidnapping took place while helicopters circled the building.

The U.S. State Department and the junta predictably blamed anonymous "right-wing extremists." The protestations of innocence were so transparently false that even a *New York Times* editorial doubted their credibility. The subsequent murders of four American women should at last force Washington to admit that, in a little over a year, El Salvador has passed from rule by a well-intentioned reformist coalition to a murderous regime of the extreme right. Agrarian reform has been taken over by the army and used as a cover to hunt down peasant activists.

The October 15 coalition was a brief flare of hope in the long darkness of Salvadoran history. For the past fifty years, El Salvador has been run

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LETTERS.

DEMOCRACY IN IRAN

Stanford, Calif.

The recent article by Prof. Richard Falk ["America's Pro-Iraqi Neutrality," *The Nation*, Oct. 25] is another example of the apologetic attitude of a segment of U.S. intellectuals toward the dictatorial Khomeini regime. This article is not only factually incorrect but is based on false premises that distort the analysis.

It is factually incorrect: The recent pronouncements by the Carter Administration on the hostage issue allow us to predict that, once this bone of contention is removed, U.S. weapons, spare parts and other goods will flow toward Iran. If there is a U.S. tilt, it is toward Iran, not Iraq. Furthermore, all Iranian exile groups have condemned the Iraqi aggression (while blaming the Khomeini regime for provoking it). There are no links between Shahpur Bakhtiar and the ex-royal family and its allies, as the former has systematically rejected the advances of the latter, in particular those of the former Gen. Gholam Ali Oveissi. Furthermore, Bakhtiar has not formed a government-in-exile.

The premises upon which Professor Falk's analysis rests are incorrect: The Iranian people have not rallied around Khomeini but around the concept of Iran. That this is the case is shown clearly by the fact that the Khomeini regime, which has been following a systematic antinational policy of flag desecration, destruction of historical monuments, rewriting of history and degradation of Iran's national heritage, has been forced to make concessions such as playing the nationalistic national anthem (which had been banned) on the radio, releasing jailed army officers, etc. The backlash of a military setback could be fatal for Khomeini. While his person still enjoys popular support, his fascistic and antinational policies, the violence, repression and murders committed by his incompetent and corrupt regime have destroyed its legitimacy. Furthermore, contrary to Professor Falk's belief, it seems that the United States has preferred, and always will prefer, a weak, Islamic and fanatically anti-Communist regime in Iran to a strong, independent and democratic one. This is probably why the West has been intent on silencing the voice of the patriotic and democratic opposition in exile.

In the final analysis, it is the people of Iran who must (and will) overthrow Khomeini, replacing him with a truly democratic regime that will be the real standard-bearer of the principles for which the Iranian nation rose against the Shah and will continue to rise against all totalitarianisms, including the ones disguised in the cloak of religion. The West, and especially the United States, should not interfere with this historic process. Any support for the Khomeini regime would be a mockery of the humanistic principles the West is supposed to stand for.

Dr. Hassan Moshir

FALK REPLIES

Princeton, N.J.

Although Dr. Hassan Moshir writes with passion, he misinterprets my analysis. All along, my position, like his, is to support Iranian self-determination. I oppose interventionary diplomacy in the Third World, and would not favor, however absurd the conception, an American effort to "stabilize" Khomeini's governing process. Dr. Moshir need have no fears. Such a pro-Khomeini project is far, far from the minds of policy makers, whether vintage Carter, or of the untested new wines of Reagan's Washington.

At the same time, I do oppose sitting idly by while aggression is carried out across an international frontier. Iran is a continuing victim of Iraqi aggression, and deserves some support on this basis from any government that believes, however mildly, in the basic principles of the Charter of the United Nations.

By now, the American response has shifted somewhat. As long as a quick Iraqi victory was in prospect, the Iraqi tilt was evident. When such an outcome was not in the offing, then other factors emerged—restoring the oil-producing capabilities of both countries, preventing a wider war, securing release of the hostages. These factors led the Carter people for a short interval, just before the elections here, to tilt back toward Iran, including dangling some spare parts already in the pipeline (incidentally, mainly military items of almost no relevance to the fight against Iraq!).

Finally, the information available to me suggests links between Shahpur Bakhtiar and the Iranian exile generals. Bakhtiar's support for the Iraqi invasion was never in doubt, but if Dr. Moshir seeks confirmation he need only consult an interview published in the Paris daily *Le Quotidien* on October 22. In it, Bakhtiar also affirms his intention to form a provisional government to replace the Islamic Republic.

Let me end on a note of harmony. I, too, hope that Iran's glorious anti-Shah revolution moves in more democratic directions in the years ahead.

Richard Falk

THE BELGRADE SEVEN

Haverford, Pa.

Haverford College would like to express its deep concern about the recent change in the University Law of the Socialist Republic of Serbia, which was published on June 5. We understand that this change would adversely affect seven professors from Belgrade University who have been suspended since 1975. Since these professors, as a matter of principle, have refused to sever their connection with Belgrade University, the consequence of this change in the University Law would be to terminate their status as employees and to dismiss them from the university without any right of appeal. We are writing to urge in the strongest possible way that these professors be reinstated at Belgrade University with *full* rights to teach, to engage in scholarly activities and to publish their work in Yugoslavia.

The relation between Haverford College and the suspended Belgrade professors has been important to the scholarly life of our own community. Students and faculty at Haverford College have studied the highly esteemed work of this group of professors. One of the members of our faculty has worked closely in joint inquiry with the Belgrade professors. We consider it an honor that one of the members of the Belgrade group has visited our campus several times. . . .

The suspension and the proposed dismissal of the Belgrade professors is a serious blemish on a country that has displayed so much courage and independence and has aroused hopes for the realization of freedom and democracy in Eastern Europe. The reinstatement of the Belgrade professors would be evidence of Yugoslavia's commitment to a free and open society that

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EDITORIALS.

Vigil for Poland

This country and its allies are so powerless to affect the outcome of the Polish upheaval that it may make sense to start considering ways to deal with the fallout here of a worst-case result there. There are, of course, several possible worst cases and few imaginable tranquil outcomes to the "counterrevolutionary" ferment in Russia's ancient enemy.

The Kremlin has begun to use that ominous term "counterrevolutionary" and, apparently, to invent incidents to justify it. But everyone—and especially the Poles—knows that there never was a revolution in Poland. Its "Communist" system was imposed on it by the force of arms of a big neighbor which has subjugated, dominated and carved up Poland for most of the past two centuries and is therefore deeply hated. That is one of the differences between the situation there now and the ones that existed in East Germany and Hungary in the 1950s and Czechoslovakia in 1968.

In Washington, all that has been rapidly deployed so far is the artillery of nameless spokesmen, who seem to be telling Moscow that intervention with force would mean the end of détente, and that we will mobilize our bankers against them if they overstep the mark. Given what the U.S.S.R. has at stake in Poland—nothing less than the collapse of the Warsaw Pact and a real threat to the authority of party and government at home—this sort of warning has the impact of a peashooter. But for the moment, hand-wringing is about all an American Government can do. That may be an appropriate gesture for an Administration on its way to the exit, but it will surely not suit Ronald Reagan.

How much more virile, activist or threatening can the new Administration be? In the area of nuclear confrontation, we already know that, Congress willing, it means to spend mega-fortunes on strategic weapons systems—B-1, MX, Trident and the rest. The MX, of course, or any of the other deadly weapons in our nuclear arsenal, is no deterrent to Soviet intervention in Poland. But then, neither can Soviet nuclear armaments deter the Polish workers from challeng-

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ing their system. An invasion will, nonetheless, be used by both Washington's and Moscow's military brass to rationalize another round in the arms race.

That leaves the West (our allies far more than us) with the tricky weapons of trade, and all those linkages. Despite the tut-tut to Moscow about Poland from the Common Market countries meeting in Brussels, there is little evidence that our European friends will easily give up their profitable commerce with the East. [See "The Economic Consequences of Intervention," on page 668.] From Reagan & Co. we will surely be hearing more about "sacrifice" in the interests of strategy, which will be called "security." The distribution of those rigors is the question, and the answer is that it will be inequitable, and, quite certainly, brutally so.

This will not help the Poles, caught in their historic trap. But we should not forget that if the Russians do move on Poland, they will never be able to extirpate the deep-set roots of a working-class movement that has challenged the system four times in twenty-four years. We yearn helplessly for their freedom, increasingly worried about our own.

Martyrs' Message

One day, perhaps, a plaque will be hung in the State Department for the American martyrs who helped change U.S. foreign policy. At the top of the list for Latin America should go three U.S. nuns, a social worker and an ABC newsman, whose deaths brought home to Washington and the public at large the murderous savagery of military dictatorship.

The tragedy of their deaths is that they had to happen: seemingly only the sacrifice of American lives focuses U.S. attention on the slaughter of thousands of people in neighboring countries, particularly when those people are poor peasants and workers with no means of publicizing their plight. Not until ABC correspondent Bill Stewart was shot in cold blood by National Guardsmen in Nicaragua, in a televised scene shown in millions of American homes, did U.S. public opinion turn on Nicaraguan dictator Anastasio Somoza. Measured against the 20,000 Nicaraguans who died to overthrow Somoza, that one death is all the more significant. Had it not been for Stewart's murder, the Carter Administration might well have gone to Somoza's aid.

Latin America's Catholic Church has long known that martyrdom is often the only way to get world attention. The slayings this month of three U.S. nuns and a social worker in El Salvador prove the point. Three days after the murders, the State Department suspended all military and economic aid to El Salvador's right-wing junta until the latter demonstrated that it had not ordered the women's execution. Since such proof is unlikely, there will be a hiatus in U.S. funding until Ronald Reagan takes office, at which point aid to the junta will probably be renewed, unless public indignation against the women's murder is sustained.

The Carter Administration, at least, seems to have no doubt who the assassins were. Julian Nava, the U.S. ambassador to Mexico, said that in his opinion the women had been killed "on orders of the junta or officials under the junta's control." State Department spokesmen stated that they, too, suspected Government involvement. Altogether, ten priests have been slain by paramilitary forces in the past three years. But until the four American women were killed, Washington consistently refused to blame the military regime, insisting that the junta was trying to steer a reformist course through warring extremes on the right and the left. According to church leaders in El Salvador and the United States, who know better, the extreme right *is* the junta.

Like San Salvador's Archbishop Oscar Romero, gunned down in the pulpit in March, and other martyrs in the Salvadoran church, the women were killed for a religious rather than a political offense: they defended the rights of the poor. That crucial difference seems to have escaped a good many Americans, including President Carter, who forgot that the Judeo-Christian tradition is based on charity and justice, not political or financial expediency. The American women who died in El Salvador knew the difference, else they would not have risked their lives by remaining in the country. Had more Americans shared their awareness, perhaps they would still be alive.

Dorothy Day

Dorothy Day always bridled, as only a saint can bridle, whenever the word "saint" was used in her connection. Although she mightn't have put it in quite the same way, I can almost hear the politician in Dorothy echoing the immortal *pensée* of Mae West, "Goodness had nothing to do with it."

Of course, goodness had plenty to do with it. But the amazing endurance of the Catholic Worker movement required certain more ambiguous gifts than that. Many organizations sprang up in the 1940s and 1950s for Catholics who weren't quite ready to be square yet. But they faded as the members grew up and left town, or they hung around listlessly, just too tired to lie down. Not so the Worker. When *its* members grew up, they were replaced like old skin. And when the whole idea seemed to grow stale, the Worker would somehow seem to change its act, and appear to be a brand-new organization.

Certainly the cult figure of Dorothy was essential to continuity, but cult figures cannot rest on their oars. Dorothy had political gifts that she possibly knew not of. On the inside (which I got only from the outside), she seemed at a glance to be swayed by a sequence of court favorites, as she had been swayed by Michael Gold in her Communist youth. But from further inside, the writer John Cogley assured me, you could tell who was boss all right, with the favorites playing roughly the same role as the first Queen Elizabeth's. (When Cogley discovered this, he moved on—to make way for other Cogleys.)

This combination of able courtiers buzzing around a hard center has a formidable history. Dorothy attracted the

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young talent with her dramatic persona (it was not for nothing that she hung around with Eugene O'Neill) and her radical faith, and the talent kept the Worker aroar with ideas. Thus every possible blueprint for a Catholic left was hammered out in the back room, while Dorothy doled out the soup in front and remained herself curiously apolitical. Christianity, faithfully practiced, was always revolution enough for her. Yet the talk *was* the Movement as much as the soup, which was surely the way she liked it.

The work of serving the poor kept the place serious when the dialectic threatened to get zany. Even voluntary poverty can become pretty affected unless you're doing it *for* somebody. So, like a finishing school for Catholic radicals, the Worker even provided its own equivalent of medical cadavers—old bums sleeping in corners to remind you, every time you breathed in, of what you were arguing about.

How much the Worker did for the bums themselves was another question—and central to a radical education. Since Dorothy believed it was one more affront to a bum's dignity to make him work against his will, the Catholic Worker farms manned by these proud fellows did not prosper. So—was Dorothy playacting, and romanticizing poverty as such? Was she in fact helping to keep bums in their place? Or do we clean them and scrub them and turn them into model citizens?

This debate sent out sparks that are still flying: whether in Michael Harrington's "socialize wealth not poverty" direction, or back to Peter Maurin, Dorothy's first favorite, "an apostle on the bum," who embraced poverty so matter-of-factly that it became thinkable, if not downright desirable, for anyone. You could always find an argument at the Worker, but if you wanted to heckle Dorothy herself you would probably find yourself carrying two heavy shopping bags to the Women's House of Detention while you did so. Putting intellectuals to work while the bums rested may have been her real mission.

Maurin, a master of the *faux-naïf* aphorism, was perfect for the 1930s, the Woody Guthrie, W.P.A. mural era, and he set the Worker's cultural style in perpetuity for beats and yippies to catch up with in due time. Dorothy's next influence was a rather more mixed blessing: one Father Hugo, who counseled absolute pacifism, and then was nowhere to be found when the conscientious objectors needed clerical support in World War II.

Dorothy's own feelings on this are not simple. When my mother was dying a few years ago, Dorothy came round almost every day, and each time brought up an argument the two of them had had on a BMT subway platform back in the 1940s, in the course of which my Churchillian mother told her that "she was just too damn precious" in opposing World War II. Dorothy made no comment on the old argument—except to bring it up again next time.

Whatever her qualms, at the time or later, it was that particular stand which certified her later ones. She was clearly no fly-by-night pacifist. If a lifelong lefty wouldn't even fight the Nazis, then her credentials were in spanking order for Vietnam (better order than most people's). The same activities that made the Worker seem cranky to many in the 1940s made it central to the 1960s, when the Catholic Worker was that rare "conscience of the Peace Movement" that had an actual pedigree.

Again Dorothy's humanity got in the way of her ideology, to everyone's betterment. Some of her young draft resisters lost their faith in prison, several lost their equilibrium, and she realized the cruelty of asking such sacrifices of untested youngsters. Perhaps harking back to BMT days, she told my mother she would never do it again.

The range and surprisingness of Dorothy kept the house packed to the end: not the least surprising thing about her being her quite unwavering and superconservative religious faith. Her secular admirers could brush it off as a quaint aberration of genius; but one might as easily brush off the cardiovascular system. The fact that those young men had lost their faith was heartbreaking to her. And she had urged them into it!

Opinions on this will differ, but I believe that this quality is what kept her from being an eccentric, an aging actress, a grand old lady: a mere "saint." And she knew it. If being considered a saint helped her cause, so be it. Bishops superstitiously left her alone, and atheists were grudgingly impressed. Many of us got as tired as she did of the sanctity issue, yet it raised her kind of question: is this a model life? Have you got a better one? Come peel these potatoes and explain.

Her virtue I leave to the angels, and the Roman Curia; her genius—and it touched even extension students like me—was teaching.

WILFRID SHEED

Wilfrid Sheed is the author of, among other novels, The Hack, *recently reissued in paperback by Vintage.*

The Outsider

The funeral procession of Dorothy Day, her body in a pinewood coffin, moved out of Maryhouse on Third Street on the way to a requiem mass at Nativity Catholic Church, a half-block away. Someone wondered aloud why more of the poor were not present. The street, as mean as any in this cloister of harshness on the edge of the Bowery, was certainly not overflowing with homeless souls come to mourn the woman who had served them in a personal ministry for half a century. A few men and even fewer women—blank-eyed, dressed in tatters—stood in clusters, while others wandered down the street from the city shelter for derelicts, one of Manhattan's unseen hellholes. But that was all. Most of the 800 people following the coffin were either old friends of Miss Day who live outside the neighborhood or members of the Catholic Worker community who run St. Joseph's and Maryhouse, the two local shelters for the homeless.

Large numbers of the poor did not come, for a reason as obvious as the open sores on the face of a wino opposite Maryhouse: they are too busy trying to fight death themselves. To mark the passing of someone who loved them—

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accepted them totally by living here, raising money for them through her newspaper, *The Catholic Worker*—would, of course, make sense in the rational world of the comfortable, where public tribute to the deceased great and the seemingly great is the proper way of dealing with grief. But here on this street that is full of the homeless and jobless, death was not needed for grief. Hope gets buried every day.

If the turnout of the poor was not strong, there was also an almost total absence of Catholic officialdom. This was the genuine affront. Few of the faithful in this century were more committed than Dorothy Day to the church's teachings, both in its social encyclicals—on the distribution of wealth, the evils of the arms race—and its calls to private spirituality. She was a daily communicant at mass, rising early to read the Bible and pray the rosary.

The only prelate of the church on hand was Terence Cardinal Cooke of New York. As the procession rounded the corner from Maryhouse and went on to the sidewalk leading to the church, the scarlet vestments of the Cardinal came into view. The contrast was powerful. In a neighborhood of drab colors, where even the faces of the poor seem to be grayed with depression, the scarlet robes of the Cardinal, his scarlet skullcap, had a touch of mock comedy to them; the vestments seemed almost the costume of a clown—a clown who was lost in the saddest of landscapes.

A Catholic Worker priest, a young Dominican who works at Maryhouse and was to celebrate the mass, made the best of the situation. At the head of the procession, he shook hands with Cardinal Cooke. The Cardinal took over and prayed aloud, commending the soul of "dear Dorothy" to the mercy of the Lord. While cameramen from the Associated Press, *The Daily News* and the Religious News Service clicked away—getting the coffin in the foreground—the Cardinal finished praying in two minutes.

It was just enough time for many in the procession to think beyond the Cardinal's brilliantly hued presence at the church door. Some recalled the pacifists from the Catholic Worker who have been standing for the past few months outside Cardinal Cooke's offices uptown and in front of the splendid St. Patrick's Cathedral. They have been leafleting the churchgoers on the immorality of the arms race and pleading with the unseen Cardinal to issue a statement in favor of nuclear disarmament. In the most recent issue of *The Catholic Worker*, one of Dorothy Day's writers said sharply about the vigil at St. Patrick's last August: "We want to remember the victims of the [Hiroshima and Nagasaki] bombings, and to mourn the fact that the hierarchy of our archdiocese is so silent about nuclear disarmament, when statements from the Vatican Council, recent Popes and the U.S. Catholic Bishops Conference have been so clear in their condemnation of the arms race."

Six grandchildren of Miss Day, carrying her coffin, nodded their thanks to the Cardinal and proceeded into the church. A moment later, John Shiel went up to Cardinal Cooke. Shiel, a short, half-toothless man who has been repeatedly jailed in peace protests, is something of a lay theologian who can quote every Pope back to Boniface I on the subject of war and peace. A friend of Miss Day, he left Washington at 4 A.M. to be here for the mass.

"Hello, John," said His Eminence, who knew Shiel from his persistent lobbying for peace at the annual meetings of the hierarchy.

"Hello there, Cardinal," said Shiel. "When are you going to come out against nuclear weapons?"

His Eminence gave no answer, and shortly he was driven off in his limousine to "a previous commitment." The day before, according to a Catholic Worker staff member, Cardinal Cooke's secretary had phoned to request that the mass be held at 10 A.M., because it would then fit into the Cardinal's schedule and he could preside. But Miss Day's daughter had already decided on 11 A.M. because that was when the soup kitchen was closed for the morning break between cleaning up after breakfast and getting ready for lunch. The Cardinal's presence would be missed, the secretary was told, but with all due respect, feeding the poor came first.

Inside the church, with its unpainted cement-block walls and water-marked ceiling, the breadth of Dorothy Day's friendships was on view. In the pews were Cesar Chavez, Frank Sheed, Michael Harrington, Paul Moore and Father Horace McKenna, the Jesuit who for decades has been serving the poor at his own soup kitchen in Washington.

In the back of the church, after the sermon, the undertaker, a friendly man, tall and properly somber-looking, was asked about the arrangements. "She was a lovely lady," he said. "We're doing this way below cost. The Worker gives us a lot of business, and besides, Miss Day is part of the community."

The undertaker said that the archdiocese was picking up the tab of $380 for opening the grave at the cemetery. If the patron saint of irony were listening in, he or she would call out to the heavenly choir: "Stop the music." During the archdiocese cemetery workers' strike in the mid-1950s, Dorothy Day was personally denounced by Cardinal Spellman for siding with the underpaid gravediggers.

After mass, a young Catholic Worker staff member, who was the candle-bearer at the head of the funeral procession, told the story of the candle—a thick white one, almost three feet tall. "We went around to neighborhood churches. We asked the sacristans for their old candle stubs that would be thrown out anyway. Then we melted them into this one large candle." Another form of brightness was present—a thought from one of Dorothy Day's books, printed on the bottom of the mass card: "We have all known the long loneliness and we have learned that the only solution is love and that love comes with community."

At about 12:30, some of the crowd drifted back to Maryhouse where lunch was being served. Pea soup was ladled from a ten-gallon kettle. Brown bread was on the table with milk, tea and oranges: enough food for all.

COLMAN MCCARTHY

Colman McCarthy is a syndicated columnist with The Washington Post Writers Group.

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VARIATIONS.

CALVIN TRILLIN

I happen to know that Nancy Reagan was called Bubbles at Girls Latin School in Chicago. That's right—Bubbles. Yes, I know that *People* magazine, in the course of commenting on a personality that has led geologists to estimate that the surface of Mrs. Reagan is composed of from six to eight inches of permafrost, reported "Her nickname has always been 'Nancy.' " *People* is wrong. Her nickname was once Bubbles. I have it from one of her former teachers at Girls Latin. All right, I don't have it from one of her former teachers. I have it from the daughter of one of her former teachers, which is good enough. The daughter—I'll call her Mary—happens to be a reliable source. She was my source for the information that the *Playboy* mansion in Chicago was a lot kinkier *before* Hugh Hefner lived in it—another story that caught *People* napping.

Most *Playboy* readers probably think that Hugh Hefner built the *Playboy* mansion, or at least bought it from another high-liver in the same line of work—someone like the publisher of a fabulously successful but short-lived precursor of *Playboy* and *People* called *Celebrity Breasts*. Mary knows otherwise. She used to go to birthday parties at the mansion when she herself was a student at Girls Latin. The *Playboy* mansion was then owned by a prominent Chicago physician who kept monkeys. I wish I could report that the doctor/monkey keeper was Nancy Reagan's stepfather, Dr. Loyal Davis. My source tells me otherwise. I wish I could at least report that Nancy Reagan herself attended birthday parties at the *Playboy* mansion—sitting primly with her ice cream and cake in what was to become the steam room where Art Buchwald, his glasses fogged over, mistook Shel Silverstein for Miss South Dakota. I can't be sure of that, though, because Nancy Reagan is—if I may say so without provoking an audit of my taxes or a short spell of preventive detention—quite a bit older than Mary. What I am sure of—sure enough to print—is that Nancy Reagan was known as Bubbles at Girls Latin.

Of course, I could double-check the story by phoning Mary's mother, who still lives in Chicago. Fortunately, I have had enough experience in the reporting game to avoid that trap. Twenty years ago, when the better restaurants of Atlanta were segregated by law but wary of offending the occasional foreign dignitary who happened to be dark-complected, I heard that a black woman who taught drama at Clark College was able to dine regularly with her white friends at the fanciest French restaurant in town by wearing a turban and speaking Spanish. I used to treasure the vision of the drama teacher sitting imperiously at the head of the table, criticizing the service in high school Spanish whenever a waiter came within earshot. I used to treasure the vision of the elegantly dressed headwaiter explaining what was going on to a puzzled, if equally sophisticated-looking, sommelier ("Ah guiss she's one of them furriners, Luke"). Then, just before I was about to reveal this situation to the world—using one of reporting's old standby phrases like "It is said that . . ." or "People here tell the story of . . ."—I made the mistake of checking on whether the story was true. What I found out was that the drama teacher had never been to the restaurant and that I therefore could not use the story. What I learned was a lesson that some people in the field have suggested as a motto for the Columbia University Graduate School of Journalism—"What you don't know can't hurt you," or, as it has been translated from the Latin by Philosopher of Journalism Richard Cohen, "The best stories never check out." I am absolutely certain that Mary's mother would confirm her story, but why take a chance?

Now that I have broken the Bubbles story, will my colleagues in the press follow my lead? Their performance after my last exclusive about the Reagan family does not engender confidence. Last June—when the Washington press corps, in a display of the "pack journalism" we have heard so much about, seemed stuck on such questions as whether Ronald Reagan's approach to foreign policy might result in the annihilation of human society as we know it—I revealed that Reagan used to be pronounced Ree-gun rather than Ray-gun. I assumed that the reporters of the Washington pack would be after that one with the joyous yelps for which they are known in certain Capitol Hill saloons. I had already done most of the digging for them, after all—even to the point of raising the possibility that the name-change had been made at the behest of Nancy Reagan, a proper Chicago debutante who obviously wanted to avoid sounding Irish because of all the dirty stuff in *Studs Lonigan*.

My colleagues have still hardly mentioned the name-change to Ray-gun. Can they continue to ignore the story after this latest bombshell? It is now possible, after all, that the woman we know as Nancy Ray-gun is, in fact, Bubbles Ree-gun. How are we expected to reconcile that with the picture of Nancy Ray-gun the press has drawn? Is it really possible that a woman who was once—even for a day—called Bubbles always smiles and never giggles? Could the Nancy Reagan we know have really had the same childhood nickname as Beverly Sills? Impossible? In that case, could it be that the woman we know as Nancy Ray-gun is not the former Bubbles Davis who attended Girls Latin School? But why would Ronald Reagan's wife want to pretend she was somebody she wasn't? Why indeed! Didn't somebody just write a novel about a President's wife being a foreign agent? We must face the possibility that the woman who calls herself Nancy Ray-gun is what the folks in the spy game call a mole—a mole with a fixed smile, but still a mole. The implication is not simply that our next President might find himself snoring away next to an agent of the Kremlin. The implication is this: If the Russians knew enough to establish an agent-in-place among the starlets on the M-G-M lot in 1944, they know a lot more about us than we thought they knew.

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DISPATCHES.

■ **"No one knows where it came from, but it's caused quite a stir around here," the State Department official said. He was referring to a controversial thirty-page document billing itself as an official "Dissent Paper on El Salvador and Central America." It had appeared mysteriously in Congressional and State Department offices last month. (Dissent papers provide an official channel for government employees to criticize policies they disagree with.)**

The paper in question purports to represent the views of "current and former analysts" at the State and Defense Departments, the National Security Council and the Central Intelligence Agency. It was written, say its anonymous authors, to "promote open discussion of realistic alternatives to our potential escalated military involvement in Central America and the Caribbean." The authors allege that "various government agencies have taken preparatory steps to intervene militarily in El Salvador" to try to prevent the collapse of the ruling junta, which has "failed to rally significant support for its reform and counterinsurgency programs." The paper also asserts that conflicts among members of the ruling coalition in El Salvador "impede regime consolidation." The opposition forces, on the other hand, are described as increasingly unified and effective on both the diplomatic and military fronts.

The document warns that a U.S. military intervention would "regionalize" the Salvadoran conflict and that "few developments would open more opportunities for Cuba in Central America," a prospect the authors find disturbing. They recommend that the United States withdraw support from the ruling junta, recognize the guerrilla forces and the Democratic Revolutionary Front and promote a "Zimbabwe option"—an internationally supervised election.

"It's not an authentic dissent channel paper," the State Department official mentioned above, who works on Central America, told us, "and it's wrong in some aspects, but it reflects knowledge only an insider could have." Other officials disagreed and claimed the paper was completely bogus. One even said it could be "the work of a foreign embassy." Whatever its authenticity, the document has provoked fresh discussions among policy makers. "We Xeroxed multiple copies," said one official. "We're talking about it."

■ Greek-American businessman Steve Psinakis is, along with Senator Benigno Aquino, one of the sixty prominent people—most of them living outside the Philippines—ordered arrested by President Ferdinand Marcos in connection with the October 19 bombing in Manila of the American Society of Travel Agents convention. The Marcos Government has also asked the United States to prosecute Psinakis under the U.S. Neutrality and the Munitions Control Acts.

"We were all radicalized by the fraudulent April '77 elections," Psinakis told us during an interview in San Francisco recently. "After that, even I argued that the time for peaceful persuasion was over, the time for action had begun." Psinakis emphatically denied any involvement in the bombing, but said he is familiar with the newly emerged urban guerrillas' activities. Psinakis has been an active Marcos opponent since his wife's brother, Eugenio López Jr., was thrown in jail in 1972 and the López family's extensive properties were taken over by Marcos.

"The members of the April 6 Movement and the other new urban guerrilla groups come out of social democratic parties and non-Communist popular movements," Psinakis said. "I know some of them. They are businessmen like me, priests, peasants and students, gathered in small, underground cells. Their strategy is to convince Marcos to step down by threatening more lethal attacks if he doesn't."

Psinakis said those arrested in connection with the bombings, which began last December, were told they would be let off lightly if they implicated Psinakis and other prominent foes of the Government. "Marcos wants to discredit us working here in the United States, to make people think we're terrorists. Already I'm under investigation. I think the F.B.I. may be following me, and my phone is tapped."

Psinakis claims the new urban guerrillas are gaining members and that their activities are already having an effect. "Tourism is down, and we have learned that American bankers are less eager to give loans to the Philippines. The price is high, though, since up to 1,200 people have been arrested because of the bombings."

■ **During the 1975-76 civil war in Angola, there was an undeclared "unholy alliance" between the United States and South Africa in support of the anti-Communist guerrilla factions led by Holden Roberto and Jonas Savimbi. Five years later, Washington and Pretoria are again on the same side in an African conflict: both are sending arms to Morocco's King Hassan in his war against Polisario guerrillas in the Western Sahara.**

The Carter Administration's military aid to the Moroccan monarch is well known. [See Daniel Volman, "Saharan Freeze," *The Nation*, November 24, 1979.] In October 1979, Carter approved the sale of military aircraft worth $235 million to Morocco. Still intent on annexing the neighboring Western Sahara and subduing the indigenous independence movement led by the Polisario, the Moroccan Government now wants to purchase from the United States 108 M-160 tanks and twelve tank-recovery vehicles for an estimated $182 million. A State Department official said the Moroccan request is under "active consideration," while a Congressional source said he expected the tank sale to be approved early next year.

While awaiting the arrival of U.S. tanks, King Hassan has been making do with South African-manufactured tanks.

Elizabeth Farnsworth and Stephen Talbot are former editors of Internews Bulletin. *They are both frequent contributors to* The Nation *and will file* Dispatches, *a regular monthly feature, from San Francisco.*

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ELIZABETH FARNSWORTH AND STEPHEN TALBOT

"South African tanks—ARV-MK6 90-mm—were delivered to Morocco early this year," Polisario's United Nations representative, Madjid Abdullah, told us. "We first encountered them in battle last March. Since then, we have captured thirty-six of these armored vehicles, which are manufactured in South Africa under French license. The captured Moroccan tank crews have told us—and we have confirmed—that several dozen South African advisers have trained them in Morocco." The Polisario official displayed photos of the captured MK6s complete with South African markings in English and Afrikaans.

A State Department official insisted that there were no South African advisers in Morocco, but acknowledged that the Moroccans had purchased a number of "Belgian tanks, which may have been produced in South Africa under some licensing agreement." He also said it was "disquieting" to find a majority of African nations, including our second leading supplier of foreign oil, Nigeria, supporting the Polisario's demand that the people of the Western Sahara have a right to self-determination. "If Morocco sits on its hands and doesn't negotiate soon, Polisario's S.D.A.R. (Saharan Arab Democratic Republic) might be admitted to the Organization of African Unity next year," he conceded.

South African and U.S. tank sales to Morocco are not likely to win King Hassan any African allies, nor to improve Washington's image in Africa.

■ The Thai Government and U.S.-funded private Thai relief agencies are injecting women in Cambodian refugee camps with a birth-control drug that has been banned as a contraceptive in the United States because it may cause cancer and birth defects. The drug, Depo-Provera, manufactured by the Upjohn Pharmaceutical Company, has become known as "the Shot" and stops ovulation for three to six months, depending on the dosage. After ten years of testing, it was declared unsafe in 1978 by the U.S. Food and Drug Administration, which noted that Depo-Provera had been found to cause uterine cancer in rhesus monkeys and breast tumors in beagles. Despite the lack of F.D.A. approval, Upjohn—with the endorsement of the U.S. Agency for International Development and the International Planned Parenthood Federation—has marketed Depo-Provera in eighty-two countries, primarily in the Third World. It is used extensively in South Africa, for example, among black women.

According to American volunteers in Thai-administered Cambodian refugee camps, the Thai military and an A.I.D.-assisted agency known as Community Based Emergency Relief Services have administered Depo-Provera to thousands of Cambodian women by offering them chickens, meat or fish oil in return for submitting to the shot. "We were absolutely horrified," Dr. Maria Eitz of San Francisco told the *Oakland Tribune*. "The Thais drove in trucks [to the large Khao I Dang refugee camp] and called the women with loudspeakers. If they'd take the shot, they'd get the chicken. It was bribery."

At another camp, Kamput, the Thai Ministry of Health, told women the shot was "compulsory" if they were married, according to Dr. N. J. Willmott, the local Red Cross coordinator. "The contraceptive issue was decided here not on medical grounds but political ones," a public health official in the camps wrote to opponents of Depo-Provera in the United States. "The Thai military felt there are already too many Cambodians living near the border and wanted to stop more 'breeding.' "

■ **For years, Washington has assumed that Israel has developed and stockpiled nuclear weapons, despite its pledge not to be the first nation to introduce nuclear arms into the Mideast cauldron. At the same time, Iraq—one of Israel's most implacable foes—has rapidly been developing its nuclear capacity with the assistance of France and Italy. Prof. Yuval Neeman of Tel Aviv University—the main architect of Israel's atomic research program—and the U.S. Defense Intelligence Agency were both quoted in press reports this summer as having concluded that Iraq will become the first Arab nation to develop nuclear weapons—by 1985, if not earlier.**

When questioned about this, an official with the U.S. Arms Control and Disarmament Agency replied, "If an Arab state like Iraq goes nuclear, it is inviting pre-emption. The Israelis would never let the Iraqis get that far."

Pre-emption is what the Israelis appear to have opted for. When saboteurs bombed the nuclear reactors that France was then preparing to send to Iraq in April 1979, Israel's secret service, the Mossad, was widely suspected. In June of this year, Iraq's Soviet-trained top nuclear scientist, Yihya al Meshad, was found murdered in his Paris hotel room. The secrecy-shrouded murder was again thought to be a Mossad operation. Then, on September 30, U.S.-built Phantom jets bombed the Iraqi nuclear reactor near Baghdad. Iran took credit, though "Western intelligence sources" in Paris later leaked a story that the precision raid actually had been carried out by Israeli Phantoms taking advantage of the Iran-Iraq war. Whoever was responsible, the Israeli Government was pleased. Last month, Iraq denied permission to the International Atomic Energy Agency to inspect the two bomb-damaged French reactors, known as Osirac and Isis, under the current war conditions. The Iraqi move heightened speculation that nuclear fuel is being diverted to weapons production.

In another gambit to head off Iraqi development of the bomb, Israel recently reversed a longstanding policy and proposed at the United Nations a conference of all Middle Eastern nations to create a regional "nuclear-free zone." The Israelis knew the resolution had no chance of adoption by the General Assembly, but Ambassador Arieh Eilan said the proposal was prompted by "the attempt of a number of countries in the Middle East to achieve a nuclear capability, principally Iraq."

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ARTICLES.

OSHA'S COTTON-DUST STANDARD

Deregulation Fever Hits the Supreme Court

EDWARD H. GREER

Byssinosis—"brown lung"—is not simply a health issue for a half million Southern workers. Rather, how much cotton dust the Supreme Court, later this term, will rule permissible in those dark mills is a portent for us all.

Late last spring, in a badly split decision, the Supreme Court declared that the Occupational Safety and Health Administration's rules governing exposure to benzene in the workplace were unconstitutional. [See Greer, "OSHA's Benzene Standard: Lives in the Balance Sheet," *The Nation*, May 19, 1979.] Because of an evident desire to clarify that ruling and to develop general guidelines in the occupational health area, the Court decided that this year it would consider OSHA's coke-oven standard.

That regulation had been adopted under strong rank-and-file pressure from within the United Steelworkers of America union, and its stringent terms had been upheld, despite an industry challenge, by the United States Court of Appeals for the Third Circuit. "Topside" coke-oven workers have a cancer rate eleven times that of other steelworkers, and the rate of respiratory disease in the surrounding communities runs remarkably high. The industry, which initially petitioned for Supreme Court review, quietly withdrew its case over the summer. The reason was probably a fear of an unfavorable ruling and a wish to avoid drawing public attention to shop conditions at a time when the industry is seeking special tariff barriers and subsidies.

Not to be diverted from its own judicial objectives by the vagaries of the steel industry, the Supreme Court simply placed OSHA's cotton-dust standard on the calendar in its stead. That new regulation sets strict limits on exposure to cotton particles, which are linked to the symptoms of brown lung. Instead of opining on coke ovens, the Court will issue an edict on cotton mills. In either event, the Court intends to reformulate OSHA's regulatory powers and methods of operation.

A bit of history is in order at this point. In the early New Deal period, the conservative Justices who dominated the Court declared a number of the New Deal regulatory programs unconstitutional under two theories: excessive delegation of power and violation of "substantive due process." Congress, the Court said, must legislate directly; it was not permitted to hand over to the regulatory agencies a broad discretion to develop their own standards. Second, the regulations themselves constituted an impermissible "taking" of private property—thus depriving business of substantive due process. Underlying these judicial theories was a view that the American system was based on free enterprise and that government regulation would sap the vitality of the nation.

As the conservative Justices retired, President Franklin Roosevelt made a point of naming new Justices who were sympathetic to government intervention in the economy. Among his appointees were Felix Frankfurter, a Harvard Law School professor who had written a leading casebook on administrative law, and William O. Douglas, who had left Yale Law School to become an activist chairman of the Securities and Exchange Commission while it was locked in mortal battle with the utilities holding companies. As these new men saw it, substantive due process was fit only for burial. Under their judicial philosophy, Congress could limit private property rights as it saw fit, and agencies could be delegated virtually limitless discretion to implement broad policy guidelines set by the legislature.

Today, deregulation rather than regulation is the dominant trend in government. The Supreme Court is rapidly accommodating itself to this shift by means of a new judicial doctrine called "cost-benefit analysis," which turns out to work much like substantive due process in overturning government regulations passed on behalf of working people. To comprehend this remarkable development, it is necessary to contrast the Supreme Court's emergent cost-benefit analysis doctrine with the precepts of administrative law that it is rapidly displacing.

In 1970, OSHA was charged with implementing the broad Congressional purpose "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." In implementing this mandate the agency was compelled to choose a method of controlling workplace hazards. And it had to do so within the prevailing limits of scientific knowledge. These were that no one knew the extent of worker exposure to the tens of thousands of chemicals in use, or the health effects of most of these chemicals.

Therefore, OSHA has done what any executor of a complex policy must do. It chose to function on the basis of certain presumptions that could not be shown to be either true or false but that would at least provide a basis for formulating specific regulations. Accordingly, it made the presumption that if there was any evidence that a chemical was a carcinogen, that chemical was assumed to be carcinogenic even in the absence of firm proof. Leaving aside the question of whether there ever can be "scientific proof" of medical causality, this presumption amounts to accepting levels of exposure that induce cancers in mice in the laboratory as the equivalent of proof of human carcinogenicity. (In contrast, industry spokesmen argue that OSHA should operate with a

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presumption that a chemical carcinogen is harmful only at dosages that evidence shows have induced tumors in humans.)

OSHA also made the presumption that once a chemical was placed in the category of a carcinogen, workers' exposure to it would be limited to the lowest amounts that were technically feasible. There was an exception to the second presumption—one that seems to be mandated by the statutory language. If the cost to an industry of reducing exposure to the technically achievable minimum was so great that it would be driven into bankruptcy, a less stringent control would be promulgated. In practice, no OSHA standard yet implemented has even come close to having such a draconian impact: the actual implementation costs of the technology compelled by government regulations have invariably run far below what had been predicted.

OSHA's presumptions, and the regulations of particular substances such as benzene, coke-oven emissions and cotton dust based upon them, were perfectly in accord with post-New Deal administrative law precepts. They are the kind of presumptions that regulators all over the country make every day. And in the political climate that prevailed a decade ago, this method of implementation of the Congressional mandate to achieve healthful working conditions was judicially unassailable.

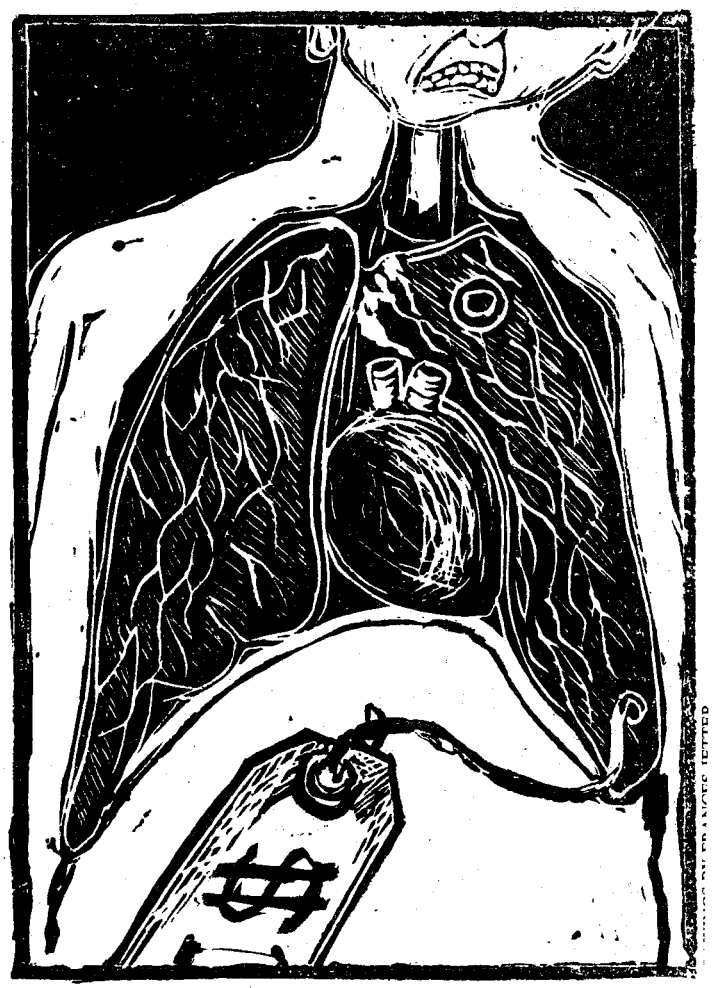
With its benzene decision last spring, however, the Supreme Court served notice that the rules of the game have been radically changed. If agencies do not wish their regulations to be declared invalid, they must henceforth follow a completely new set of procedures. Specifically, OSHA must first estimate, over the entire spectrum of potential exposures to carcinogens on the job, how many additional cancers are likely at each level of exposure. The Court sharply criticized OSHA's benzene standard because it failed to specify how many additional cases of leukemia would result if exposures of one part per million were increased to ten parts per million in workplace air. The agency's absolutely correct rejoinder—that such a calculation, at the present level of scientific knowledge, is utterly impossible—was ignored.

Second, once the number of cancers at each level of exposure was plotted onto a graph, OSHA was charged with comparing it with a second line on the graph that measured the cost of each reduction in worker exposure to the chemical achieved by installing more effective control devices. Obviously, as the devices became progressively more elaborate and expensive, the law of diminishing returns would set in, making the reductions in exposure more and more costly as they approached zero.

The majority of the present Court drew back from a flat statement that only if the "benefit" exceeded the "cost" would the regulation be upheld as constitutional. Justice Lewis Powell, in his concurring opinion, however, said just that—in effect resurrecting substantive due process from the judicial graveyard. We can anticipate that future Reagan appointments to the bench—who will undoubtedly be chosen for their conservative economic philosophies—are likely to take a similar posture.

The opinion of a plurality of the Justices held that OSHA was obliged to sketch in both lines and show their intersection point, then set the exposure standard at a point where costs and benefits were in rough equilibrium. This raises the specter of a Reagan Court mandating that controls are only permissible if the regulatory agency can demonstrate that benefits are greater than costs. Since at most standard-setting hearings, the main evidence as to the cost of controls is necessarily supplied by the regulated industry, such demonstrations will be no mean feat. In the alternative, the prospect is for agency heads appointed by President Ronald Reagan defending regulations in the new Senate because of the law that establishes a legislative veto over rule-making by regulatory agencies. Either way, the effect of the new Supreme Court doctrine will be to devastate the social welfare reforms won since the New Deal.

It should be noted in this regard that any cost-benefit analysis of the sort the Supreme Court is now inclining toward involves at least as many arbitrary presumptions as does the present method of setting standards. For instance, the results of these calculations are generally dependent upon the discount rate used for assessing lifetime earnings and depreciation of equipment, but there is no general agreement on what discount rate should be used. The Office of Technology Assessment concluded this summer, in the most detailed and sophisticated review of numerous existing cost-benefit analysis studies ever made, that while the



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method "is useful for assisting in many decisions, it should not be the sole or primary determinant of a decision."

In addition to the many methodological problems raised in the O.T.A.'s critique, cost-benefit analysis suffers from a more fundamental problem. Presumptions such as those adopted by OSHA about medical causality are readily challenged in public debate (and indeed have been at the center of vigorous controversy), but the arcane mathematical calculations of cost-benefit analysis are inaccessible and tend to hide from public scrutiny the value-laden assumptions inherent in these studies. This is a grievous flaw; cost-benefit analysis studies do have a particular bias, which is, as the O.T.A. study points out, that "all costs and all benefits are valued in monetary terms." As a practical matter, the monetary values assigned do not arise out of the political process, where they are set at levels regarded by the community as fair, but rather are based solely on their market price. The people who do these studies insist that the market value is less arbitrary than subjective feelings of fairness, but the net result is simply to reimpose free-enterprise values on public policy.

Thus, the value of a worker's life is essentially his discounted wage rate. The poorer the worker—the less he or she is paid—the harder it becomes to justify spending a given amount on occupational protection. In this way, the salutary effect of government regulation is turned into its opposite. Precisely where the equitable concern to protect the oppressed is greatest—where the worker is poorest and most vulnerable—at precisely that juncture cost-benefit analysis yields the most callous treatment.

To argue its challenge to the cotton-dust standard, the industry has chosen Prof. Robert Bork, President Richard Nixon's Solicitor General and an astute student of Chicago-school economics, of which cost-benefit analysis is merely one technique. Whether Bork will still be available by the time of oral argument or will have moved into a top position in the Reagan Administration remains to be seen. He can be expected to advocate vigorously this new ideology before the Court.

With this powerful argument at their disposal, the cotton magnates will be pitiless with their employees before the highest bench. And their new line is likely to be considerably more persuasive than the one they purveyed when they were lobbying against the passage of the OSHA bill. At that time, the *American Textile Reporter* stated: "We are particularly intrigued by the term 'byssinosis,' a thing thought up by venal doctors who attended last year's I.L.O. [International Labor Organization] meetings in Africa, where inferior races are bound to be affected by new diseases superior people defeated years ago."

OSHA's cotton-dust standard was upheld before the Court of Appeals of the District of Columbia last year in a detailed decision by Senior Circuit Judge David Bazelon. OSHA had promulgated a standard that requires a reduction of cotton-dust particles to the lowest feasible levels over a four-year period. The industry had proposed instead a system of medical monitoring with job transfers and personal respirators for those who showed symptoms of brown lung. Judge Bazelon pointed out that "the industry was unable to show that job transfers would be available in sufficient numbers to respond to the likely presence of byssinosis" in the mills. With at least one-quarter of the workers developing the disability, job rotation is clearly an illusory solution. And respirators sound like a good idea only to those who have never spent a day wearing one; for individuals with pulmonary or respiratory problems, they represent a serious health risk. Besides, respirators require constant—and expensive—upkeep and, therefore, as a practical matter, cannot be supervised.

The common sense and humanity of Judge Bazelon are likely to be brushed aside in the Court's infatuation with its new doctrine. Under the precepts of cost-benefit analysis, if it is cheaper to obtain protection by medical monitoring and respirators than by engineering controls, the OSHA standard falls. By the same criterion, numerous other laws and government regulations which protect workers, consumers, minorities and the poor will be found wanting.

The possible dominance of the Supreme Court by Chicago-school economics is not an edifying prospect. In the 1920s, its earlier version, substantive due process, blocked necessary reforms and brought America to the brink of disaster. Marx once observed that when history repeated itself, what was tragedy the first time was farce the second. But millions of working men and women won't be laughing if this egregious nonsense becomes the law of the land. □

POLAND AND THE BANKS

The Economic Consequences of Intervention

WENDY COOPER

When fifty Western bankers sat down with Polish officials in Warsaw last April to negotiate the refinancing of a portion of Poland's massive $20 billion debt, the concerns and priorities of the opposing teams were strikingly similar. Almost a year later, despite the ideological and political crisis that now grips Poland, the community of interests remains essentially the same. Economic interdependence, based on mutual investments, far outweighs politics on the sensitive scale of East-West relations.

The Soviet Union is, of course, under immense pressure to crush Poland's rebellion. The growth of a powerful independent trade union movement poses a grave threat to the

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HOW TO FOIL A CAR THIEF

A FEW SIMPLE PRECAUTIONS CAN REDUCE THE RISK OF THEFT

The numbers are staggering. Every 37 seconds or so a car is stolen somewhere in the U.S. That adds up to almost 800,000 cars a year. But you can do something to keep your car from becoming a statistic. Start by avoiding these four common parking mistakes.

The "Just for a Minute" Syndrome. When you leave your car, even if it's "just for a minute," lock all of the doors and take your keys. In fact, about one of every five cars stolen was left unattended with keys in the ignition. Keep driver's license and vehicle registration cards in your wallet or purse. If a car thief finds these documents in the vehicle's glove box, he can impersonate you if stopped by the police.

The Isolated Location. It's safest to park in a locked garage, but if you can't, don't leave your car in a dark, out-of-the-way spot. Instead, try to park on a busy, well-lighted street. Thieves shy away from tampering with a car if there's a high risk of being spotted.

The Display Case. There's nothing more inviting to a thief than expensive items lying in your car, in plain sight. If you lock these items in the trunk or glove box, there's less incentive for a thief to break in. Also, when you park in a commercial lot or garage, be cautious. Lock your valuables in the trunk, and leave only the ignition key with the attendant.

The Space at the End of the Block. In recent years, professional car-theft operations have become an increasing problem. Unlike amateurs, the professionals are not easily deterred. Cars parked at the end of a block are easy targets for the professional thief with a tow truck. So, it's best to park in the middle of the block. Be sure to turn your steering wheel sharply to one side or the other. That will lock the steering column and prevent the car from being towed from the rear.

Unfortunately, there's no such thing as a "theft-proof" car. But at General Motors, we're equipping every car we build with anti-theft features. We want to help you make it as difficult as possible for any thief—amateur or professional—to steal your car.

This advertisement is part of our continuing effort to give customers useful information about their cars and trucks and the company that builds them.

General Motors

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Soviet hold on Eastern Europe. On the other hand, the economic consequences of an invasion could be infinitely more dangerous for both the Soviet Union and Western financiers. The reported Soviet view last summer that the ideological concessions won by striking workers in Gdansk and Silesia would "wither away as the Poles come to their senses" was being echoed on Wall Street; shortly after the strike settlements, one New York banker expressed considerable relief that the strikers' economic demands had actually been "moderated." As *Fortune* remarked when the crisis first erupted, the bankers have been playing a "bizarre and unwelcome role as a combination alter ego and financial policeman" for the most troubled economy in the Eastern bloc. It is, nevertheless, a difficult role to bow out of.

While Western analysts are quick to point out that COMECON, the East European equivalent of the Common Market, has used borrowed money to finance imports of Western consumer goods, thereby creating a dependency on capitalism, any gratification they take from this ought to be tempered by the knowledge that it has also increased the banks' dependency on the Communist bloc by several notches.

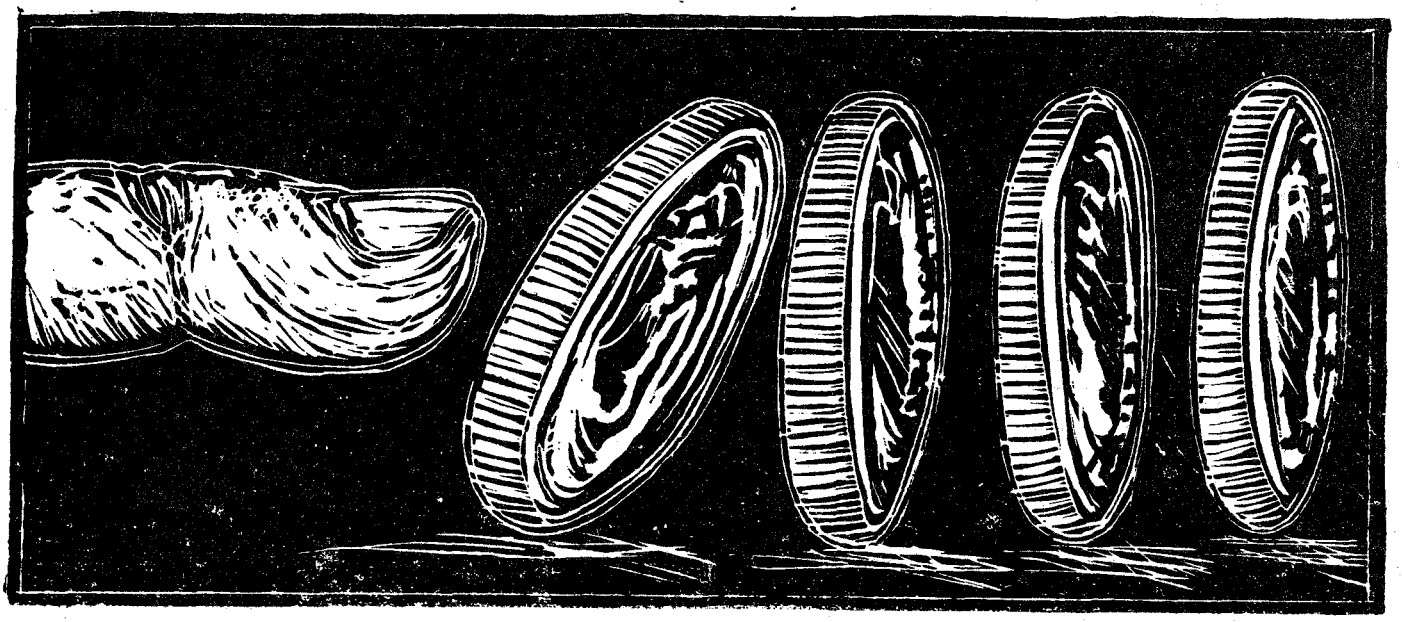
The Russians, of course, are no more interested in allowing one of their satellites to default than are the Western banks. Continued access to Western credits and markets has become far too important to them, and they want to preserve their own creditworthiness. In the past fifteen years or so, the annual trade of the Soviet Union plus COMECON with the advanced industrial countries has grown tenfold, from about $3.5 billion to more than $35 billion.

By the same token, the U.S. banks have a sizable stake in the Soviet Union. According to Federal Reserve Board figures, Soviet deposits with American banks totaled around $450 million last fall, but the banks' loans to the Soviet Union totaled roughly twice that in mid-1979. Between then and the Soviet invasion of Afghanistan, U.S. banks reduced their Soviet exposure—for financial rather than political reasons. They balked at Moscow's attempts to renegotiate old loans on optimum terms in the Eurocurrency borrowers' market. Yet their exposure remained such that their Soviet deposits would not nearly have covered their Soviet loans. The debt of all the Communist countries is said to have risen faster than even that of the developing countries. In 1979, East European countries borrowed $3.7 billion abroad, the bulk of it to finance imports of Western capital goods and technology. In the past four years, borrowing from foreign banks (most of them European) has amounted to about $9.5 billion. The banks themselves have always tended to view COMECON borrowers in the aggregate, rather than as individual cases. They have tried, as one American banker told *Fortune*, to "play an I.M.F. role" in Eastern Europe. (While the COMECON countries were founding members of the International Monetary Fund, they are no longer subject to its stringent financial disciplines.)

For some time now, however, the banks have been placed in the position of simply rolling over Eastern Europe's debts. To demand repayment would be to invite default. Moreover, the rollovers keep the banks earning interest at a time when a surplus of petrodollars ($115 billion on current account in 1980, compared with $60 billion last year) is still flooding the international banking system. As one New York banker said, in explaining the decisions that underlie lending to the Communist bloc: "It's not so much a question of their capacity to bear the debt, as of how much we are willing and able to lend."

Still, the terms of recent loans to Eastern Europe have begun to reflect the increased risk. A combination of the Afghanistan crisis and poor conditions in the international capital markets was behind the refusal last January of a consortium of Western banks to lend East Germany the full $150 million loan it had sought. Instead, the banks chopped $50 million off the loan, although the terms were left intact.

Poland registered on the Euromarket bankers' early-warning system long before Afghanistan. Poland's hard-currency debt rose from $741 million in 1970 to $10.6 billion in 1976, and to $20 billion last year. Up to that point the banks had been willing to risk their money because, in many



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ways, Poland represented a dream investment. Besides having rich resources, especially coal, it was prepared to pay premium interest rates, and the Poles had an excellent record as debtors.

But a concatenation of events—a string of bad harvests, rising oil prices, bureaucratic inefficiency—brought about Poland's present financial plight. According to published estimates by the Central Intelligence Agency, 93 cents of every dollar of Polish export earnings now goes to pay interest and principal on the country's hard-currency debt, and 85 percent of its new borrowing is used to roll over maturing debt.

The Bank for International Settlements reports that about $13 billion of Poland's total debt is owed to commercial banks. The exposure of U.S. banks is roughly $1.7 billion —about the same as in Peru and only about one-tenth of what they have loaned to Brazil. The exposure is spread among sixty-eight American banks and is in the range of 5 to 6 percent of their capital. Two-thirds of it is held by nine of this country's biggest banks: Bank of America has loaned an estimated $250 million, and the four largest New York banks, about $200 million each. To this figure should be added, however, credits granted by corporate suppliers as well as nearly $1 billion extended by the Export-Import Bank and the Department of Agriculture.

Recently, credit payments were "bunched," i.e., fell due at about the same time. This created a situation in which the Poles are said to need $6.5 billion in new funds in 1981 to meet debt servicing, plus an additional $4 billion in 1982. And, while Poland's debt has continued to rise by about $2.5 billion to $3 billion a year, showing that the banks are still willing to lend, the interest rates have been higher than for other Eastern bloc countries.

Thus, when the bankers went to Warsaw last April to consider Poland's request for a $500 million loan to refinance part of the country's debt, it was with some trepidation. The Poles themselves were prepared to do a lot. They certainly didn't want to be the first Communist country to ask for a formal rescheduling of their debt. So, when the bankers pushed them to stop investing hard currency in industries like farm machinery that couldn't earn their keep in foreign exchange and pressed them to alter the support structure by which the prices of foodstuffs like sugar and meat are kept far below market levels, they didn't demur.

The banks insist that they hadn't asked for anything that Polish planning officials had not already laid out. In fact, according to one New York banker, price hikes in basic foodstuffs were being predicted three years ago and investments in new projects ceased two years ago. The bankers have reacted with outrage to the suggestion that their demands on the Polish Government actually led to the recent strike wave (which ensued when the Poles doubled the price of sugar last June and raised the meat price on July 1). "That's just the sort of thing the Russians want to hear," said one, adding, in a tone remarkably reminiscent of a *Pravda* editorial, that he heartily disapproved of the A.F.L.-C.I.O.'s offers of financial assistance to the newly independent Polish trade union movement.

The loan that was finally signed last August 22 was for $325 million, not the $500 million originally requested; the interest rate was 1½ percent above the Eurodollar rate, and the grace period was shorter than requested. Moreover, only $265 million came from Western banks—the rest was contributed (in dollars) by one Polish and two Soviet banks.

While the case of Poland clearly concerns them, the bankers still say they see no imminent signs of default or, indeed, of any serious debt-servicing problems likely to emerge in other Eastern European countries in the near future. But they are proceeding cautiously. Bankers and economists in West Germany (Eastern Europe's most important trading partner) are reportedly concerned that a $670 million credit to Poland by a consortium of twenty-five German banks agreed to last August (two-thirds of which will be used to repay old debts) could encourage other debt-burdened East European countries to seek similar assistance. The smaller COMECON nations, say these German bankers, may be forced to buy more of their oil on the world market as domestic consumption and the demands of its most troubled satellites eat into production of the lower-priced Soviet product. This will raise those nations' import bills at a time when their export performance will be only sluggish. They may also put more emphasis on paying for Western imports with goods rather than with their scarce foreign exchange—goods frequently considered shoddy and difficult to sell in the West. Even the Hungarians, thought to be model Communist financial managers by Western bankers, may find themselves falling victim to the tendency to demand extra fees on loans to COMECON.

Queried about the long-run prospects, one prominent New York banker waxed sanguine: "Nothing short of a major East-West war" would seriously question the wisdom of continuing to lend to Eastern Europe. "The volume of trade—and therefore financing—will grow very significantly in the future, although the debt will inevitably rise too, when you add inflation. We have to remember that trading with the East is politically wise. On the other hand," and here his optimism grew shaky, "there is, of course, always a special political risk."

If the Russians invade Poland, they would incur costs far greater than the obvious one of maintaining an army of occupation possibly ten times the size of that currently in Afghanistan. A Poland seething with active and passive resistance could cause a total breakdown of the economy: the Russians are already under strain with their offer to the Poles of $1.1 billion worth of aid at a time when the Soviet Union itself is facing the worst winter of food shortages in years. Finally, if a Polish puppet government defaulted on its debt, the effect would redound negatively upon the creditworthiness of the other COMECON borrowers. Even worse, it would severely shake confidence in the international monetary system. The onset of a new cold war, in the political sense, would be accompanied by a drastic curtailment of the vital East-West trading relationship. □

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Junta

(Continued From Front Cover)

by repressive military (or military-civilian) regimes. Beginning with the massive slaughter of 30,000 citizens in 1932, El Salvador's landlord-military governments have sustained their rule through an all-too-familiar combination of electoral fraud and outright political terrorism.

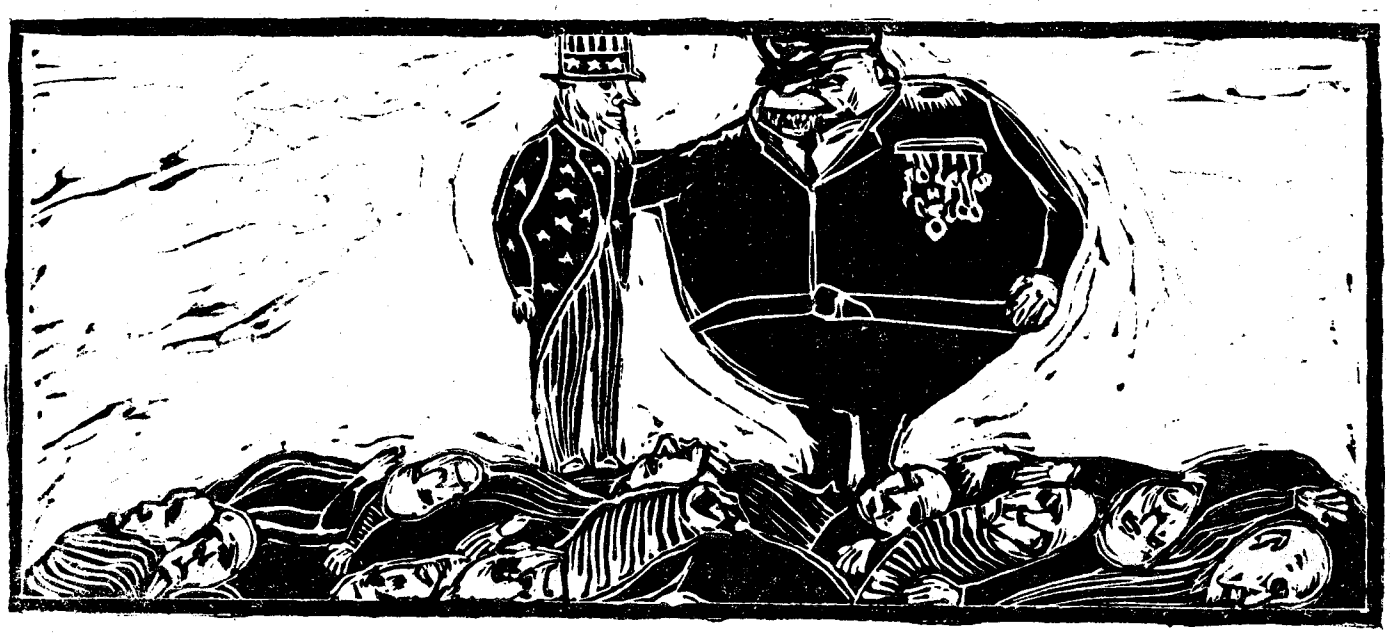
El Salvador's landlords, who continue to hold its economic reins, are very strongly backed by a powerful faction in the military. Thus, it is not surprising to learn that the peasantry has suffered disproportionately at the hands of El Salvador's latest ruling junta: between January and August, 52 percent of those assassinated in El Salvador were peasants, followed by students (7 percent) and workers (3 percent). Not only does the recent clampdown on the peasantry reflect the ever-increasing political and social organization of the landlords and their supporters in the military but it also highlights the conflict over land that has always lain at the heart of Salvadoran politics. El Salvador is a small country in which the availability of land plays a leading (if not all-important) role: the concentration of rural property in a very few hands and the resultant demands of the peasantry for land redistribution have led the regime to concentrate on suppressing political—or any other—organizations in El Salvador's rural regions. This, in spite of the fact that the present junta came to power as purveyors of a supposed "agrarian reform."

In the late 1960s, broad-based social movements began to gain increasing influence among a wide range of Salvadoran occupational groups. Urban-based trade unions and rural-based peasant associations proliferated: factory workers, teachers, rural day laborers and peasants holding small plots organized themselves and began to demand recognition from employers, landlords and the state. Religious, university, civic and professional groups began to cooperate with these associations, defending their claims for legitimacy and equity. The landlord-military regimes—frightened by the potential political power of these organizations—responded by escalating repression, causing support for the mass organizations to grow and solidify as individual victims sought protection in numbers. A counterresponse followed. Soon, both sides were carrying arms; guerrilla organizations proliferated, protecting the unarmed mass organizations and retaliating against attacks from the regime and its paramilitary organizations.

This cycle of increasing mass opposition to stepped-up repression by the Government was described by a leader of El Salvador's teachers' union (ANDES):

> Fifteen years ago the teachers' union was organized in response to economic circumstances. We began our organizing drive with the primary school teachers and then moved on to the high school teachers, basing ourselves on the need to improve the status and condition of teachers. Primary teachers were first organized. The growth of the trade union led the Government to force teachers employed in the capital to take jobs in distant provinces. Our first mobilizations were in opposition to the power of the administrators over the teachers. Beginning in 1970, secondary school teachers were organized by ANDES in opposition to Government-controlled policy changes. Between 1970 and 1975, Government repression took the form of taking and dispersing militant teachers to remote areas, taking prisoners and an occasional assassination or prisoner disappearance. By 1975 one hundred percent of the primary and ninety percent of the secondary school teachers were organized. Beginning in 1976, state violence began to escalate. The original trade union focus on immediate economic issues began to shift, the organization began to be politicized. Under the General Molina regime (1972-1977) 150 teachers disappeared and 36 were killed; under General Romero (1977 to October 1979) 96 were killed; under the current junta 181 school teachers were killed between October 15 and July 31. There are 22,000 teachers in total.

This is the history of the regime's repressive tactics in virtually every area that has been organized by the people. Prior to the present period, the military and paramilitary groups were more selective—targeting specific leaders and spokesmen. But now assassination has come to be used rou-



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tinely as a tool of the Government. As one teacher said, "A common saying in El Salvador these days is, 'I am leaving the house but I don't know if I will return!' "

Accompanying the widespread killing are deliberate attempts to terrorize those who might protest: public assassinations, the display of mutilated corpses and the targeting of prominent individuals. One teacher was killed in front of his class. Another teacher, active in the union, was killed two days after receiving a teaching award. And, most gruesome, the head of an assassinated teacher was put in front of the school to teach the other instructors a lesson. The institutionalization of terror on a massive scale has led, on the one hand, to the closing of institutes and the flight of teachers (there are at least 150 exiled Salvadoran teachers in Costa Rica) and, on the other hand, to the extension of organization among employees in the Ministry of Education and closer teacher collaboration with revolutionary political organizations.

The experience of the teachers' union typifies the conflict between the Salvadoran people, clamorous for popular representation, and an autocratic state, dead set against it. Demands for a popular organization independent of the state have permeated the society, and have propelled a nervous regime into state violence. The repression has not only deepened but has also become more extensive, covering all occupational groups. Middle class and working class, rural and urban areas—all have been affected. Members of religious groups and small-business people have also been assassinated—neither property ownership nor church status offers protection against the Salvadoran junta.

The operational procedure of the repressive forces is spelled out in a document published by the Salvadoran Archbishop's Legal Aid group:

> July 19, 1980. At least 1,000 strongly armed, masked men wearing bullet-proof vests, with badges identifying them as members of the Death Squad, accompanied by members of the Army and agents of the National Guard invaded the Hacienda "Mirador" in which the majority of peasant members belonged to Union Comunal Salvadoreña [the Government-recognized Christian Democratic Union]. . . . Witnesses present indicated that agents of the National Guard and masked individuals shot 60 peasants. They were selected beforehand after 300 peasant cooperative members were captured.

In this case, even peasants supporting the regime—or at least the civilian faction of the regime—were not immune to its violence. All who are involved in seeking social change, whatever their formal affiliation, are considered suspect. Moreover, as a number of parish nuns and priests testified, the military carries out a policy of collective guilt: whole families and villages are attacked and destroyed because of the activities of particular individuals. The Legal Aid report records:

> On July 9, 1980, 31 members of the Mojica Santos peasant family, all residents of the village "Mogotes" of San Pablo Tacachico, department of La Libertad [31 kilometers northwest of the capital] were shot by the para-military organization, ORDEN. Fifteen children were killed hugging their mothers, all of them under ten years of age. That same day the National Army and agents of the National Guard occupied the area and began to sack the peasants' homes.

The savage nature of the Salvadoran junta has been obscured by the systematic effort of the U.S. Government and media to displace responsibility onto nongovernmental forces, a tactic also used by the junta, which constantly denies its collaboration in the repression. The official U.S. view is that the regime represents a "centrist political movement . . . against extremists of the left and right." The full statement of the U.S. position was presented in Congressional testimony by William Bowdler, Assistant Secretary of State for Inter-American Affairs:

> The extreme right, still powerful and unrepentant, finds its economic interests mortally endangered by the JRG's [the Revolutionary Governing Junta's] reforms. Two right-wing coup attempts have been thwarted, but the threat remains. Rightist elements are financing a campaign of assassinations against civilians who might cooperate with the military in the reform process.
>
> Seeing power slipping from their grasp in the wake of the reforms, leftist cadres first attempted to induce massive street confrontations, even exploiting the funeral of Archbishop Romero for this purpose. This effort failed, leaving the insurgents with clear responsibility for the violence and deaths that resulted. More recently, the left has shifted its focus to the countryside, assassinating agrarian reform officials, attacking the security forces, and terrorizing peasants who cooperate with the reform program.
>
> Our position is clear. We believe that the October 15 program, which is now being implemented by the Revolutionary Governing Junta, offers the best chance for social change, political liberalization and respect for human rights in El Salvador. Both publicly and privately, we have vigorously supported the Junta and opposed a repressive or non-reformist solution for El Salvador. . . .
>
> We believe violence from both left and right *must* be curbed. Terrorism exacts a tragic human and even political toll. Terrorism by the right is particularly damaging just now because the former association of elements of the security forces with the extreme right has left suspicions that undermine the moral authority of the new regime.

The U.S. policy is thus directed toward condemning "violence" from both the left *and* right, and supporting the regime. U.S. policy makers frequently cite "human rights and church sources" for their estimations of the loss of life. However, they never proceed to examine the data presented by these same sources concerning the identity of those carrying out the violence.

The data collected by Legal Aid clearly refute the U.S. position. The J.R.G.'s repressive forces, according to Legal Aid, were responsible for 80 percent of the assassinations between June and August of this year—the paramilitary

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James Petras has published many books on Latin America, teaches sociology at the State University of New York, Binghamton, and is the author of a forthcoming book entitled Class, State and Power in the Third World *(Matthew Held and Osmun). He was a member of a human-rights commission that recently returned from Central America.*

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groups (the "right-wing extremists" referred to by Assistant Secretary of State Bowdler), for only 20 percent. Clearly, the scope and the duration of the violence indicates that the junta is not a "moderate centrist" regime but rather that it is even more repressive than the forces U.S. policy makers choose to describe as "extremist." The organization responsible for the greatest number of political murders—the National Army—is part of the junta. (Between June and August, the National Army was cited by Legal Aid as the perpetrator of 1,092 political assassinations, while the number of assassinations committed by all of the seven other groups mentioned only came to 969.)

Political assassination thus must be seen as a principal instrument of rule, and U.S. policy, therefore, must be described, not as supporting centrist reform but as sustaining extreme right-wing terrorism. Moreover, in addition to their responsibility for political assassinations, the army and the official military security units must be held accountable for the arrest and disappearance of a growing number of political opponents. Not only did the number of political prisoners taken grow from ten in January to eighty-one in August but the assumption by most observers is that the 211 political prisoners who have disappeared so far this year have also been killed. The evidence strongly indicates that the U.S. Government, its ambassador in El Salvador and the junta's supporters in Washington are deluding the American people when they say that the Salvadoran dictatorship is a "centrist" regime, dissociated from the terror.

To the contrary, it appears that Washington has put in power and has been sustaining an extreme rightist regime that is systematically exterminating its opposition. Certainly, Washington's attempt to blame the violence on nongovernmental groups is undermined by reports that clearly link the paramilitary death squads with the regime's security forces. A report published by Legal Aid describes the takeover of the peasant village of San Vicente by a death squad on July 7—the torture, rape and assassination of seven peasants, followed by the decapitation of one. The report concludes by describing the squad's curious departure: "The members of this so-called 'squad' after committing these acts, were evacuated by a Salvadoran National Army helicopter."

Another report, dated April 17, noted the arrival of the paramilitary group Orden: "Several hundred members of . . . Orden, protected by the National Army and agents of the National Guard, militarily invaded Christian peasant communities. . . ." They killed sixteen peasants that day. And nuns and priests working in rural communities say that Orden members collaborated with the National Guard by providing names of community activists, meeting in National Guard headquarters and participating with the army in the liquidation of independent peasant leaders elected by agricultural co-ops. One small farmer described military attempts to coerce him into joining Orden:

> I did not join Orden because of the injustices that it commits. The National Guard and National Police began to ask about me—to frighten me to join Orden. The local Commandant of the National Guard pressured me to join Orden. I told him I don't belong to any group. I just dedicate myself to my work. To them anyone that didn't join was obligated to collaborate. According to the Commandant, "He who does not collaborate is opposed.

The junta's intervention in El Salvador's economy has not liberated the peasants from landlord oppression, and has deepened and extended state oppression. "Agrarian reform" has in fact become a vehicle for building a vast network of rural police informers and paramilitary agents linked to the military machine. These "reforms" have transformed a traditional dictatorship into a ruthless totalitarian police state. The right-wing terrorist groups are as integral a part of the Salvadoran police-state operation as the Gestapo and the NKVD were to the Nazi and Stalinist regimes. The tolerant U.S. attitude toward the J.R.G. has only served to absolve the regime, thus allowing it to continue its ritualistic political murders without having to answer to world opinion.

El Salvador is a country that has been occupied by its own military; there is only one authority that exercises power and acts with impunity: the armed forces. The armed forces treat the civilian population like an enemy in a full-scale war: motorized invasions of rural areas, search-and-destroy missions and the sacking of rural property are the most common manifestations of the rampant militarization of Salvadoran society. Between January and May of this year, the armed forces engaged in 274 military invasions of peasant areas. In the same period, eighty-six military operations took place in urban areas. The purpose of these actions is to destroy any and all organizations and activities that exist outside the hierarchy of the militarized police state and to terrorize the rest of the population into acquiescence. Church, student, trade union and other meeting places have been systematically destroyed.

Along with the annihilation of the social basis of political opposition, the regime has been silencing all forms of cultural dissent: the universities have been taken over by the military, opposition newspapers have been bombed and machine-gunned into submission and a large percentage of the intellectual community has been killed or has fled into exile. One Salvadoran writer describes the regime's practice of cultural terror in the following terms:

> We were a literary group of young writers—under 30—sympathetic to the left. I left the country after four of the twelve members were killed. The death squad took pictures of our group meeting in a café. Later, one was killed in the café, another was captured in his house and has disappeared. They searched my house for me. . . . I worked at *La Cronica* [a daily newspaper of the democratic opposition]. I was an editor. There were constant death threats. Our offices were machine-gunned twice in a row. . . . I was a member of the Cultural Workers' Center. They blew up the meeting hall. A popular cultural movement was beginning to emerge. Dance, theater and literary—entire groups were exterminated. Five publications stopped. The Cultural Workers' Front began in solidarity with the Nicaraguan Revolution, before the fall of Somoza. It included leading writers, theater and dance people and others. We were not affiliated with any political group. We were approached by [leftist] political groups when

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> our members began to fall. In January and February [of 1980] the repression began to get severe: they were killing off our members. Scientific repression—more severe—coincided with the Christian Democrat/Military Regime. We wrote on sociopolitical themes—we were committed writers. We knew we were being watched but we never expected to be physically eliminated. When the repression began intellectuals faced the choice: death, exile or joining up with clandestine revolutionary organizations. All opposition through the media has been silenced. Repression at all levels comes from one center of power, which the Junta heads.

The tragedy of the intellectuals is the tragedy of El Salvador: the choice now is to fight or to die. While the United States justified its aid to El Salvador by means of the myth—happily embraced and espoused by the junta—that the present terror comes only from independent extremists to the left and right, much of the West looked on aghast. West Germany, Sweden, Norway, Holland and several other countries have allied themselves with the Democratic Revolutionary Front against the military-landlord junta. They have distanced themselves quite clearly from U.S. Salvadoran policy.

Until the murders of the American women, when U.S. aid was suspended, Washington had committed the United States to continue its support even though there was not a shred of reformist pretense for the junta to stand behind. The regime's war against its own people is a sheer grab for power, with the United States backing it up, intent on preventing another revolutionary victory in Central America. And what will happen when Ronald Reagan takes office in January? The junta is counting on him. □

LETTERS.

(Continued From Page 658)

fully respects the dignity and autonomy of creative intellectual work.

John C. Whitehead, chairman,
Board of Managers
Robert Stevens, president

AUTOMATION NEEDED

New York City

Harley Shaiken's recent article on the U.S. automobile manufacturers ["Detroit Downsizes U.S. Jobs," *The Nation*, Oct. 11] is very good indeed. It is a pleasant change to see facts and data used in support of an argument. Shaiken's strength is clearly production economics and production technology. What a pity that the article is marred by the final four paragraphs. . . .

The prescriptions contained in these paragraphs are totally at odds with the pressing logic of the article as a whole. After establishing an overwhelming case for the necessity to lower production and assembly costs in order to enhance the competitive position of U.S. manufacturers, Shaiken argues the case for the involvement of government and unions in ways which will dramatically inhibit this process. Not all unions regard a job lost to automation as permanently lost from the economic system. Just because the causal connection between a laid-off Chrysler worker and the eventual expansion of the economy (leading to the employment at higher rates of another worker elsewhere) is impossible to discern except at the level of impersonal statistics, does not make the logic of automation less compelling.

If the United Auto Workers union vetoes the introduction of machines which are over three times as cost-effective as humans, as they might in their short-term self-interest, and if the government offers aid to the industry only on condition that human manning levels are maintained, not reduced, the competitive position of the [auto] industry (which affects 20 percent of U.S. G.N.P.) can be expected to worsen. Is this what Shaiken means by having the course of the computer age "democratically directed"?

Peter Carroll

SHAIKEN REPLIES

Cambridge, Mass.

The argument that even more jobs will be lost if the auto industry fails to automate rapidly and is therefore unable to compete is extremely misleading. First, it assumes that the increased productivity from automation is the only necessary condition for effective competition. Detroit has conclusively proven its ability to make ill-fated product decisions that result in cars such as the roomy Chrysler New Yorker (or even the smaller and now defunct Vega and Pinto) that are virtually "uncompetitive at any price." Second, the argument doesn't address the future of the thousands of workers whose jobs will be lost in the process of making the auto makers more competitive. For these workers, the choice now offered is to volunteer for economic execution by American-made robots, or to risk the same fate under the wheels of Japanese cars. Third, Peter Carroll's reasoning implies the choice is either automation or no automation, rather than the development of new technology guided by social responsibility. Defining a human use of technology requires the active participation of the people most affected, the auto workers themselves.

While jobs lost to automation under these circumstances may not be "permanently lost from the economic system," they may be misplaced for quite some time. Even if enough jobs are created in the economy as a whole, there is no guarantee that auto workers will have the opportunity to get them. Instead of becoming computer programmers in Houston, for example, laid-off Chrysler workers will more likely find their alternatives to be operating electronic order terminals at McDonald's (at one-third of their former pay), or no jobs at all. Although some individuals may be able to capitalize on new opportunities elsewhere, the future of auto-dependent communities which cannot be transplanted to the Southwest may be grim indeed.

The real challenge is to create meaningful employment alternatives before a short-term crisis becomes a long-term catastrophe. The strategy I propose as a start is maximizing employment opportunities within the industry through a shorter work week and creating new jobs for auto-dependent communities by applying existing skills and unused facilities to make useful products for the community. Increased productivity from automation can pay for the first, and the enormous sums currently spent on unemployment can begin financing the second. Without real alternatives, many auto workers are being asked to stand on the track in front of a speeding locomotive. In this position, it makes a lot of sense to try to slow the train.

Harley Shaiken

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THE MEDUSA CONSPIRACY. *By Ethan I. Shedley. The Viking Press. 360 pp. $13.95.*

GREEN MONDAY. *By Michael M. Thomas. Wyndham Books. 414 pp. $12.95.*

To enter into the quantitative spirit shared by most of the authors, these contributions to belles-lettres average in length 353 pages and in price $12.38, undiscounted. Less, naturally, at Barnes & Noble and other scholarly bookstores. If Edmund Wilson were still among us and disposed to assess a second time the condition of the thriller, he might concede that Dorothy Sayers, Nero Wolfe, Dashiell Hammett and Raymond Chandler, whose literary pretensions he savaged in three *New Yorker* essays more than a third of a century ago ("Why Do People Read Detective Stories?" "Who Cares Who Killed Roger Ackroyd?" and "Mr. Holmes, They Were the Footprints of a Gigantic Hound!") were virtuosos of their art in comparison to the saboteurs of the printed word here represented. I hasten to exempt from this blanket indictment *Days of Thunder* and *The Last Trump*, two examples of seemly, if undistinguished, prose. By no particular coincidence, they are also the briefest of the seven entries.

Wilson sniffs at Dorothy Sayers's explanation of bell-ringing in *The Nine Tailors* as redolent of an encyclopedia article on campanology. What would he have thought of *The Medusa Conspiracy*, which confronts the intriguing question: Can a computer acquire free will and conduct its own foreign policy in rivalry with the two or three officially sponsored Washington variants? En route to the answer, the author, proprietor of a doctorate in computer technology, devotes scores of pages to the explanation of computer programming. A little campanology by contrast would be light reading. Or take *Green Monday*, which starts with a promising plot idea: What would happen if the Saudis cut oil prices by two-thirds? Michael Thomas quickly lowers the tension with extended explanations of how financial markets work and how computers (again) can be programmed to conceal the size and source of huge stock market purchases and sales. It's what any billionaire needs to know. Thomas, a man of parts, has in previous incarnations taught art history at Yale, worked at the Metropolitan Museum of Art and achieved partnership status in investment banking. Perhaps it says something about Yale and Wall Street that Thomas is also a master of turgid exposition, incredible dialogue and carefully enumerated episodes of coition.

Why is this trash so popular, not least among college graduates, and even inveterate consumers of *The New York Times* and *The Nation*? Worse, what leads an academic of mature years and respectable associations not merely to waste his declining powers upon these artifacts of bungling literary workmanship but to brood upon his motives and inflict his conclusions upon the serious readers of this journal?

I have a tentative explanation: the need for reassurance against the terrors of the outside world, a traditional source of the genre's popularity. What admirer of Sherlock Holmes can forget the cozy domesticity of Baker Street? A pleasant fire cheers the sitting room. Sherlock scrapes away at his violin. Watson peruses a medical journal and recalls his Afghan adventures. Then, a knock on the door. It's Inspector Lestrade, baffled as usual. Holmes and Watson depart into the London fog, a pea souper for sure, unmask the villain and return triumphantly to the tender care of Mrs. Hudson. How tidy it all is! Who knows, as the Shadow was wont to say, what evil lurks in the hearts of men? Well, if Sherlock doesn't, his awesomely intellectual brother, Mycroft, surely does. Even Edmund Wilson grudgingly conceded literary merit of a humble variety to the Holmes canon.

All is not lost. Some are still faithful to the tradition. The banker who is the amateur sleuth of the Emma Lathen stories, the barrister who plays a similar role in Sara Woods's series, Nicholas Freeling's universally mourned van der Valk and Peter Dickinson's intuitive Pibble, all ration mayhem, murder only unpleasant characters; their authors abstain from pornography and write with grace and occasional humor. Harper & Row's Perennial Library reprints of Nicholas Blake, Michael Gilbert, Andrew Garve, Cyril Hare and Gavin Black verify the existence of a market for old-fashioned detective fiction.

However, the big bucks are collected by the perpetrators of a quite different and sedulously undisciplined verbal package. These days, buying a hardcover book involves a major cash commitment. Buyers demand strong meat in large packages. Hence best sellers dangle menaces as huge and horrible as the imaginations of their concocters can conjure up. Habituated to death camps, Hiroshima and Nagasaki, gulags, psychiatric prisons, Cambodian genocide and the breakthroughs in the art of torture accomplished by Savak and its envious imitators in Chile, Brazil and Argentina, an *au courant* American needs quite a jolt before he is jarred out of his normal commercial torpor.

Our literary carpenters are happy to oblige. In *Green Monday*, by maneuvers too devious to recount or even recall, the Saudis plot to elect the American President of their choice. *The Mind Breaker* stars a Palestinian terrorist who exerts "awesome psychic powers," which endanger initially the reason and ultimately the life of our President. As the dust cover, in prose slightly superior to the text, alarms us, "the Army, the Air Force, and the CIA stand by, powerless." In the almost

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well-written *The Last Trump*, the Russians are on the verge of immobilizing the United States. Already they have occupied Western Europe and England. Our last hope is a reactivated secret agent charged with setting in motion Golgotha. (Of course I can say no more.) By comparison, the menace in *The Key to Rebecca* is rather tame. All that stand between Rommel and Cairo are a conscientious British intelligence official and a beautiful Jewish woman with a clouded past. They alone can reach and unmask the ruthless Arab spy who transmits to the Germans the most secret plans of the British High Command. The computer that runs amok in *The Medusa Complex* is curbed by a heroic computer expert, another sexual athlete, who narrowly averts subversion by electronics. The authors of *The Fifth Horseman* rely upon that old reliable of international bogymen, Col. Muammar el-Qaddafi. The dictator we love to abhor lays his hands upon nuclear bombs and threatens to obliterate New York unless the Israelis do right by the Palestinians and evacuate East Jerusalem and the West Bank.

Introspection leads me to believe that addicts of these fantasies derive solace akin to that of earlier enthusiasts for politer exercises and smaller nightmares. A long time ago, our grandparents rested more easily in their beds because Sherlock Holmes vanquished even the elusive Moriarty. Matters turn out equally well in today's adventures. Here in New York we know for a fact that Rommel lost, Colonel Qaddafi has not vaporized the metropolis, the Russians have overrun Afghanistan (it's good luck Watson didn't live to see the day) but not Western Europe, much less the sceptered isle, the Saudis plan as usual to raise, not lower, oil prices and no terrorist threatens Presidential mental health. I suppose in fairness one should concede the possibility that computer takeover explains the tergiversations of Carter's domestic and foreign policy, but there are more mundane explanations available.

I should add that modern thrillers, as some of my earlier comments indicate, are educational. For our $13 or $14 we do want to learn something. In the Paul Erdman manner, Thomas offers a short course in high finance. With a touch of enjoyable malice, he even caricatures a banker suspiciously like David Rockefeller. Although I should not try to program a computer on the basis of the instructions in *The Medusa Complex*, I think I could carry on a conversation about computer codes as glib as an average item in *The New York Review of Books* or as relentlessly abstruse as the better grades of movie criticism. We can learn about the arming and disarming of nuclear devices, the tactics of desert warfare and the politics of Angola. From his right-wing, colonial perspective, Michael Hartmann illuminates the last topic with a passion that is quite genuine. If Colonel Qaddafi is the villain of one of these novels and Rommel a sympathetic character in a second, the young Sadat appears in yet a third.

Thrillers are true to a culture which exalts gadgetry and creates markets for people as well as products. It is a culture that yearns for the individuality that the techniques of merchandising, advertising, assembly-line production and media politics do their considerable best to destroy. The atmosphere of the thriller is as nasty as the vulgarity of capitalist culture might lead anyone to anticipate. During most of their waking hours, male characters are sexually erect. The women are paragons of reiterated orgasm. Even supposedly sympathetic figures grab greedily at food, wine, money and each other.

Perhaps our ultimate reward is this. After wallowing in the moral muck, we can examine our coterie of friends, associates and relatives and console ourselves with the thought that they are preferable to the people we have been reading about. With luck, we can stare at the mirror and pass the same judgment. □

Sophomoric Superman

ANTHONY ASTRACHAN

HORN OF AFRICA. *By Philip Caputo. Holt, Rinehart & Winston. 487 pp. $12.95.*

Philip Caputo cannot be called a war lover. His books testify to his belief, based on first-hand experience, that war is brutalizing, demoralizing, a thing of evil. Yet he is obsessed by war and the life of the warrior in the same way that the subject (the victim?) of a grand passion is obsessed by the person he loves. Caputo's obsession grew out of his service as a Marine lieutenant in Vietnam. In *A Rumor of War*, a remarkable philosophical narrative of what he saw and did there, he gave a full picture of the squalor and corruption he found. But he also wrote of "the compelling attractiveness of combat. It was a peculiar enjoyment because it was mixed with a commensurate pain. Under fire, a man's . . . senses quickened, he attained an acuity of consciousness at once pleasurable and excruciating." And under fire, according to Caputo —whose words are convincing even to a skeptic—the comradeship of infantrymen is an intense tie, a form of love.

He also described an action in which his platoon killed two Vietnamese civilians in an accident shaped by the momentum of combat. Five months later, he and five enlisted men were charged with murder. Caputo had not ordered a murder, as William Calley had in the My Lai massacre. He had ordered a patrol to capture two men suspected of being Vietcong. That implied that they could be killed, but only if it was militarily necessary. He felt himself innocent of the charges even though he felt guilty of the deaths. None of the "facts" added up to the truth he saw: that the war in general and U.S. military policies in particular were ultimately to blame for the Vietnamese deaths, and that his court-martial was designed to conceal that truth. In the end, the first man tried was acquitted and the charges against Caputo and the others were dropped. Caputo came to feel like a moral casualty, just as a wounded man is a physical casualty. He cured himself partly by joining the antiwar movement after he left the Marines, partly by writing *A Rumor of War*.

He never escaped the fascination of combat, however. He became a foreign correspondent for *The Chicago Tribune*, specializing in war—in Sinai, Cyprus, Lebanon and Eritrea. Now he has written *Horn of Africa*, a novel in which he tries to go even deeper into the psychology of warriors than he did in *Rumor*. Many of its parts work quite well. Caputo's description of soldiers trekking across a hostile desert, or of individuals fighting in a battle too big for individuals to make a difference, can

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stand comparison to Hemingway. In describing a pedestrian's walk across Cairo, he makes that city leap into my senses as no other writer has. But I am sorry to say the novel does not work as a whole.

Horn of Africa is the story of three whites "advising" a faction of guerrillas in a fictional province called Bejaya, which is rebelling against a nonfictional Ethiopia. (Bejaya remarkably resembles Eritrea, but Caputo carefully keeps it from being identical lest he inhibit his fiction.) Charlie Gage is an American moral casualty, a Caputo who has not recovered from Vietnam, Lebanon and other combat experiences. Patrick Moody is a British moral casualty, an officer-and-gentleman *manqué* trying to redeem himself from his involvement in a killing halfway between My Lai and Caputo's own experience, which is set in Oman. Jeremy Nordstrand, another American alumnus of Vietnam, thinks of himself as a latter-day Gordon of Khartoum. He twists his gifts of command, endurance and strength to break free of civilized restraints and even of the wartime version of civilized behavior; by this act of will, he becomes a real-life Nietzschean superman.

Such men exist, but their minds are usually so sophomoric that they remain two-dimensional until they actually commit some monstrous deed. Even then, certain changes in the human condition must occur before we can see the acts as having a deeper moral significance—as happened in the real world with Leopold and Loeb, or Hitler, or in art with Mistah Kurtz. When Caputo tells tales of white men discovering themselves while exploring the heart of darkness, he inevitably brings Conrad to mind. But in this book, Caputo does not share Conrad's ability to follow the motions of a soul, or to trace the path an alien had cleared through a "primitive" society even though the jungle quickly rose over it again. Where Conrad succeeds, Francis Ford Coppola and Philip Caputo fail; in *Apocalypse Now* and *Horn of Africa*, the Nietzschean character is sophomoric so often (and keeps his author in the same condition) that the moral conflict never rouses us to real agony, to the true horror of evil.

In *Horn*, Nordstrand and Moody go with a guerrilla platoon to await the delivery of new weapons they think are coming from the Central Intelligence Agency. At the rendezvous they meet a patrol from another guerrilla faction and another tribe. The two groups quarrel and Nordstrand's men take the patrol prisoner. Nordstrand then makes his Nietzschean breakthrough by killing the five prisoners in cold blood. He beheads three of the four whose heads are still intact and forces the leader of his guerrillas, who is half-modernized, to behead the fourth. He then orders the rest of the men to use the heads for target practice. Moody later describes the events to Gage and says that Nordstrand's visible struggle and triumph over the restraints within himself were the worst things he saw that day.

In making Nordstrand a monster, Caputo led me to expect myth and melodrama in which Moody or more probably Gage would become a hero and defeat him. Neither does. In the end, Nordstrand is defeated by illness, wounds and the superior firepower of Ethiopia's Soviet-made, Cuban-flown jets, which annihilate the guerrillas. Modern technology and cold-war politics, in other words, pre-empt the moral struggle. This may mean that Caputo deserves high marks for contemporaneity and realism, but it also means that he fails to resolve even the two-dimensional moral conflict he has set up.

The book might work—despite the deus ex MIG—if Gage recovered from his moral wounds as clearly as Caputo did from his. The three whites and two guerrilla guides try to reach the Sudan and safety, first by Land-Rover, then by camel, finally on foot. Nordstrand, blind from Rift Valley fever, his body full of bullets, his leg amputated, suddenly cries "I see!" It is not clear whether he sees the faces of his victims, his own monstrosity, or the agony of the world, but Moody and Gage become convinced he has found guilt and repentance and has therefore reached a state of grace. Moody thinks he must save the defeated and dying Nordstrand to save himself—explicitly, as proof that redemption is possible, and perhaps unconsciously, to compensate for the men he killed long ago in Oman.

But sun, circumstance and an inability to accept the Nordstrand in his own soul—which we are told all men have, and must accept, if they are to overcome it—are too much for Moody. He succumbs to his own Nordstrand streak for the second time in his life, killing the guides in a crazy climax to a quarrel that breaks out after they get lost in the desert. Then, in the agony of realizing what he has done, he kills himself. Gage

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kills Nordstrand—to pay Nordstrand's debt to the world, which would go unsettled if Nordstrand survived, and to pay the debt he feels he owes Nordstrand by enabling him to die in that state of grace. Then Gage cuts out Moody's and Nordstrand's hearts, since he is too weak to carry their whole bodies back for burial, and stumbles into the Sudan and survival. He forces himself to survive, he says, to bear witness: to there being no escape from barbarism, apparently, and to the need for us all to recognize the Nordstrand in ourselves.

If the book ended there, I would still be dissatisfied, but I might feel the author had made his point. Unfortunately, Caputo tries to tie up the loose ends. Gage discovers that he had not been freelancing for the C.I.A., as he had thought. His employer, Thomas Colfax—a good caricature of a bad spook—turns out to be an agent who had run amok and mounted an operation that was unknown to his chiefs back in Langley, Virginia. Colfax thought the guerrilla faction, if it took over Bejaya, would allow the United States to keep its communication base there, thereby saving Western civilization and launching himself to the top of the Agency.

Now, I like the idea that not every imperialist-looking plot is planned by a nefarious government, that crazies and fumblers are as characteristic of intelligence agencies as super-efficient, omniscient agents. It squares with my own experience of both the C.I.A. and the K.G.B. But Caputo uses the idea only to get his white men into combat and into Africa. He never really connects it to his morality play. I don't believe that the Gages of this world, with their experience of men, war and governments, get sucked into such plots. Thus, Caputo loses some of his realism points. More important, he loses master points for failing to pay as much attention to the morality of his characters' politics as he does to the morality of their killing. Caputo knows that labels like "racist" and "imperialist" apply to his people. But he never gets out of the flattest, thinnest plane when he describes their blithe arrogation of the right to tell individuals, factions, even whole peoples, what to do. I don't really want an ideological allegory. Nor do I want Caputo to paint himself into some corner of left or right. But there's something wrong when Gage talks for almost 500 pages as though he were witness to three or even four dimensions of moral agony and Caputo reduces him, in the end, to the two dimensions of a spy story. □

A Fierce Right Hook

PHILIP GREEN

PHILOSOPHY AND PUBLIC POLICY. *By Sidney Hook. Southern Illinois University Press. 288 pp. $17.50.*

By 1950, when Sidney Hook wrote the brilliant and original *From Hegel to Marx*, he was America's leading expositor (if no longer exponent) of Karl Marx's thought. He was also John Dewey's most important disciple (Dewey wrote the introduction to his *The Metaphysics of Pragmatism*), and already a distinguished academic philosopher. During the last two decades, by contrast, he has increasingly been publishing his essays in such marginal venues as *Bell Telephone Magazine*, Freedom House's *Freedom at Issue* and the *University of Richmond Law Review*. Of the twenty-one essays collected in this volume, only two are from philosophically serious publications; sadly, it is easy to understand why.

In one of those two, for example —the essay that lends its title to the collection—Hook argues that philosophy can clarify complicated issues even though philosophers do not have final answers, and gives as an example of such clarification the following: "The confusion that attends the discussion of the self-incrimination clause of the Fifth Amendment is an intellectual scandal and contributes to the mischievous consequences of its abuse in every jurisdiction of the land. Philosophers could render a needed service in dissecting the tortured and torturous reasoning of the courts." Seven years later, reviewing Lillian Hellman's *Scoundrel Time*, he asserts that since she was never (by her own statement) a "card-holding member of the Communist Party," she could neither identify anyone else as a member, except as hearsay, nor could she have incriminated herself. Her invocation of the Fifth, Hook reasons, was therefore "really illegitimate"; he makes no bones about his conviction that the only scoundrel to be found in Hellman's pages is Hellman herself.

But Hook's "clarification" is completely false. As Victor Navasky points out in *Naming Names*, Hellman offered to talk about herself to the House Un-American Activities Committee—so long as she didn't have to name other names. That offer was refused by the committee. If she had publicly named names the only concrete effect would have been to place those people once again in the spotlight. (All of those she might have named were already known to the committee, which had plentiful evidence that they had been Communists.) Those individuals would have been subjected to more of the harassment that the victims of that time had to endure. Hook also resolutely fails to acknowledge the Supreme Court's ruling in *Rogers* v. *U.S.* Its effect was that, whether or not Hellman could actually have incriminated herself, if she had talked about herself, she would then be held to have waived her right to refuse to answer questions about others. Thus, her behavior made sense; Hook's account of it makes none.

Similarly, in a mean-spirited assault on Justice William O. Douglas's *Points of Rebellion*, Hook chastises Douglas for writing that the First Amendment "forbids Congress to punish people for talking about public affairs, whether or not such discussion incites to action, legal or illegal." On the contrary, Hook says, both in morality and law, if an action is wrong then incitement to it is wrong and punishable: "In a democracy, political due process cannot prevail if dissent takes the form of direct action whenever a minority fails to persuade the majority." But incitement is precisely not "direct action," it is incitement to it—else we could drop the word "incitement" from our vocabulary and substitute "action." Douglas, of course, was well aware of this; he was perfectly willing that the actions brought about by "incitements" be punished as such. But he also understood that, as Oliver Wendell Holmes put it in *Gitlow* v. *N.Y.*, "every idea is an incitement," so that if we set out to punish mere "incitement" we wind up punishing every idea we do

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not like. Hook's allegedly philosophical clarification of the meaning of "free speech" is nothing more than a plea for its suppression, just as his "clarification" of the Fifth Amendment is an attempt to penalize people for the proper and, in Hellman's case, principled use of it.

Again, in an essay on "The Rights of the Victims," Hook concludes that "the potential victim has at least just as much a human right not to be violently molested, interfered with, and outraged as the person accused of such crimes has to a fair trial and skillful defense." He thus glosses over all distinctions between a legal/constitutional right, which is a protection against arbitrary or oppressive state action, and the quite different right of a person to be free from worry about being a potential victim of crime. This second kind of "right" cannot possibly eventuate in the assertion of a legal claim against anyone in particular. It could only be enforced, as Thomas Hobbes argued several centuries ago, by a leviathan—what we would nowadays call an authoritarian, or even totalitarian—state, a state distinguished chiefly by the grant of absolutely untrammeled authority to the agencies of law enforcement (and to government generally) to arrange the social order so that everyone feels "secure." Hook rejects this vision in every other context, but he utterly fails to grasp the reason why the very un-Hobbesian authors of the Bill of Rights rejected it in this context. They understood that the right to be secure in my life and property justifies the actions of the state on my behalf in the first place; by the same token, this right requires that I be protected against arbitrary state action, if and when I am (perhaps falsely) accused of a crime.

Are these rights in conflict with each other? Hook asserts that they are—but how strange to press, as he does, the point that "there is a direct conflict between the rights of the criminal *and of persons accused of crime* and the rights of their past and potential victims" (my emphasis). How can we know an accused person has victims, let alone "potential victims," unless we know, through a rigorously fair trial, if the accusation is true or false? That question simply doesn't trouble Hook, anymore than he is troubled by the requirement to show evidence that there is some relationship between crime rates and the protection of civil liberties. He himself tells us (in the title essay) that understanding the requirements of evidence is the sort of thing the philosopher does best—but not when his own argument is at stake, apparently. The essay, then, is nothing more than a charade in which the wolfpack howling for the blood of the Bill of Rights is lent a patina of respectability by a quondam philosopher who now undeservingly claims the mantle of "philosophical perspective."

In a somewhat different vein, but still locked in mortal combat with his perceived enemies on the liberal and radical left, Hook defends American political order against all forms of disobedience (even civil disobedience) on the ground that this is a "democracy." He never bothers to engage in what one would think the first task of the philosopher ought to be: defining carefully the conditions of what is meant by the term "democracy." He never asks whether those conditions really do exist, and for whom they really exist, and whether it serves everyone's purpose equally to act as though they do exist in the same way for everyone when in fact (perhaps) they really don't. On the same ground he castigates those who defied the "majority" to fight against the war in Vietnam, again never stopping to ask (as we must expect a philosopher to ask) how a majority in one country can possibly legitimize the bombing of another, whose people have not been consulted. The ethical theorist disappears into the unthinking anti-Communist "patriot," who always has final answers. Numerous other such examples occur.

That is Hook's constant fate today. One essay in this book, a trenchant defense of the United Nations Universal Declaration of Human Rights against its detractors, recalls the earlier Hook: it is lucid and genuinely clarifying. But in every one of the twenty other essays in the collection, philosophy instantly becomes ideology (or, all too often, mere personal abuse); the "philosophical perspective" disappears in the all-consuming embrace of anti-Communist and anti-leftist rage. Everyone, left, right or center, can benefit from the cautionary tale of Sidney Hook's intellectual development. □

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The Price of Plea Bargaining

ARYEH NEIER

PARTISAN JUSTICE. *By Marvin Frankel. Hill & Wang. 134 pp. $9.95.*

The adversary system of justice to which Americans are at least theoretically committed has come in for much disparaging critical comment in recent years. For the most part such criticism can be readily dismissed as either ill-informed or as motivated by a desire to make it easier to convict criminal defendants, the great majority of whom already save everyone the trouble by pleading guilty. But when questions about forensic conflict are raised by Marvin Frankel, they must be considered in a different light. A distinguished Federal judge from 1965 to 1978 and a renowned legal scholar and trial lawyer, Frankel is both knowledgeable and, as his record on the bench amply demonstrates, concerned about fairness to the accused. In *Partisan Justice*, Frankel accepts the proposition that "fair resolution of legal disputes requires vigorous contest." But he challenges us to consider what he says are "the distortions and the excesses—the lying, the concealment, and the uses of legal procedure to harry and oppress rather than to seek right results." Frankel suggests several reforms which, he believes, would help cure these excesses without undermining "the tested virtues of free and fair litigation."

Even the most passionate partisan of the adversary system might find merit in some of Frankel's criticisms and proposed solutions, especially those concerned with complicated civil litigation. These include suggestions intended to make discovery—the procedure whereby the parties to litigation obtain information from each other in advance of trial—fairer, to simplify the rules of evidence, to permit noncontinuous trials, to permit juries to consider videotaped examinations and cross-examinations of witnesses and so on. Proposals for lawyerless tribunals to settle less complicated civil disputes quickly and inexpensively have drawbacks that might occur to some not motivated by the selfish interest of lawyers. Yet even here, Frankel does not radically challenge the assumptions of advocates of the adversary system.

It is in considering the impact of the adversary system on criminal justice as it is meted out to the run-of-the-mill criminal defendant that Frankel attacks most radically. As everyone with even passing familiarity with the criminal courts knows, Perry Mason-style jury trials are rare. Roughly 90 percent of criminal cases are settled with plea-bargained guilty pleas—a process fairly described by the word Frankel and many others use: sordid. Trials, generally before judges sitting without juries, usually take place when a defendant recklessly insists on his innocence, often condemning himself to languish in jail for a long period awaiting trial and certainly taking the substantial risk that he will get a far stiffer sentence than if he pleads guilty, or when a crime is so outrageous and the prosecutor is so certain of conviction that he will not strike a bargain, or when a prosecution at-

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tracts publicity. It is Frankel's view that the way we practice the adversary system has set the price of going to trial too high for all concerned. Plea bargaining, the antithesis of our ideal of forensic combat in court before a jury, he contends, is the consequence. "Our commitment to all-out adversariness as a theory," Frankel writes, "tends towards its own stultification."

As Frankel sees it, prosecutors obsessed with adversary combat struggle for every advantage against criminal defendants and seek outrageously high penalties. In turn, defense lawyers attempt to establish exquisite, burdensome and time-consuming due process safeguards. The result is "a procedural maze through which to flee the law-enforcement pursuers," but if they ever catch up, they force the defendant to pay dearly. Few defendants can afford lawyers who will lead them through the maze and few dare risk the severe penalties that would follow should they fail to elude their pursuers. The result: plea bargaining.

It is a tantalizing theory, but unfortunately Frankel devotes only a few pages of his short book to elaborating his argument. He does not confront certain obvious objections to it. For example, if the procedural maze were simplified, practices that keep defendants in jail awaiting trial and the penalties for conviction after trial would be unaffected. Defendants would still be coerced to plead guilty, but would enjoy less bargaining strength in determining sentences. A reduction in adversariness would not affect the number of arrests —more than ten million annually. Nor would it increase the capacity of our prisons, which already confine a larger proportion of the population than in any major country on earth except the Republic of South Africa. Unless the number of arrests is drastically reduced, or criminal sentences are sharply abbreviated, or the number of prison cells is drastically increased, plea bargaining is inevitable.

There is an ahistorical aspect to Frankel's theory. Long before criminal defendants enjoyed most of the procedural safeguards available today, plea bargaining was the rule. In 1937, when few defendants even enjoyed representation by counsel to engage in adversary conflict on their behalf, Justice Henry T. Lummus of the Supreme Judicial Court of Massachusetts pointed out that:

> . . . they could break down the administration of criminal justice in any state in the Union. But they dare not hold out, for such as were tried and convicted could hope for no leniency. The prosecutor is like a man armed with a revolver who is cornered by a mob. A concerted rush would overwhelm him, but each individual in the mob fears that he might be one of those shot during the rush. When defendants plead guilty, they expect more leniency than when convicted by a jury, and must receive it, or there will be no such pleas. The truth is, that a criminal court can operate only in inducing the great mass of actually guilty defendants to plead guilty, paying in leniency the price for the plea.

That is exactly the way the system works today except that now, as then, it also extracts guilty pleas from some defendants not actually guilty. Plea bargaining mocks our claim to adhere to an adversary system in which the state is forced to bear the burden of proving guilt. But without more evidence than Frankel provides, it is hard to accept his theory that excesses of the adversary system itself are to blame for the practical nullification of what is good about the system.

Plea bargaining reduces the moral ceremony that ought to attend determinations of guilt or innocence to a bit of bartering more appropriate to a thieves' market. It denies dignity to defendants, victims and the community at large. It depreciates justice. The need for remedies for plea bargaining remains, as it has been for many years, urgent. Frankel is not persuasive, however, in suggesting that any aspect of the adversary system is to blame. □

THEATER.

JULIUS NOVICK

Dead End Kids

The theatrical avant-garde, now as in the past, tends to be closely allied to the political left. The new Reagan Administration—or, for that matter, the exiting Carter Administration—is highly unlikely to appear en masse at the New York Shakespeare Festival's Public Theater, clamoring to see *Dead End Kids: A History of Nuclear Power*, the latest production of that eminent avant-garde company, Mabou Mines. The Mabou Mines audience, it is safe to assume, is made up of good environmentalists and nuclear disarmers; there would be no point in making a theater piece about nuclear power that would exhort them self-righteously to believe what they already believe. There is probably no point in exhorting anyone self-righteously to believe anything. And yet it is not pointless to preach to the converted—who else, after all, ever comes to listen? It *is* possible to deepen people's understanding of what they already believe.

This, I think, is what Joanne Akalaitis, who conceived and directed *Dead End Kids*, has attempted to do. She has declined the obvious; she has refused to oversimplify (though much of her piece is *about* oversimplification). She has grasped the advisability of proceeding obliquely—but she has proceeded a little *too* obliquely. Like so many avant-garde theater pieces, *Dead End Kids* is structured as a series of abrupt juxtapositions, with no explanations or connective tissue. The aim, of course, is to involve the audience in making the connections, to keep the piece polyvalent and open-ended. The danger is that meaning will tend to leak away through those open ends; that, it seems to me, despite many moments of striking theatrical imagination, is what has happened to *Dead End Kids*.

It begins with alchemy. A man at a microphone delivers a lecture on the subject, while a man in a white lab coat draws alchemical diagrams on a blackboard; a man in a peasant-military outfit makes stately motions with his hands; a woman works at a lab table, and a magician (Terry O'Reilly) does some dazzling tricks, producing doves from a red scarf and making them disappear, pulling strings from the hair and clothing of a bobby-soxed, baseball-jacketed young woman and magically redressing her as a Renaissancy wench. Yes—but when you put it all together—what *about* alchemy?

Shortly thereafter comes a scene from Goethe's *Faust*, with Faust seated in the midst of a big black velvet thronelike object, which suddenly—another dazzling trick—turns into six men in black velvet cloaks playing Mephistopheles. The scene is played in German, accompanied by sporadic passages of English summary, plus what I presume is a run-

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ning translation into sign language. But not all of us know German, or for that matter sign language; would there not have been some advantage to playing the scene in English?

Then comes a screaming-queen opera buff to tell us some facts about the historical Faust, purporting to read them from an issue of *Opera News*. Is Akalaitis afraid to tell us anything directly?

History's first atomic explosion is narrated in a long memorandum from Gen. L. R. Groves (played by George Bartenieff, who also plays Faust) to the Secretary of War; as the General reads, the devils from *Faust* are playing cards at a big round table in a corner, laughing, sneering, making obscene innuendoes. Here the juxtaposition works; the irony scathes. But that very significant connection between atomic explosion and sexual orgasm, made through those dirty sniggers, is carried very little further in the course of the piece.

After the intermission there is a lecture on the workings of the hydrogen bomb, delivered by a casual ("Pphhhhtthhhh—Nagasaki!"), slightly dippy bimbo, played with a finely disciplined sense for caricature by Ellen McElduff, who is assisted by a Cub Scout. Her cheerful "rapping" is counterpointed by a taped voice gravely reciting a poem about the power in the world that can be used for good and evil: "I am the old dragon, found everywhere on the earth." Here the ironic juxtaposition is strangely beautiful.

The other high point of the second half of *Dead End Kids* is a spiel by a smily, smarmy emcee, played with exquisite sleaziness by David Brisbin. From the crotch of his tuxedo he produces a dead chicken; he sticks the microphone into its cavity, obscenely; he defines "chicken grease" as "Jewish petroleum jelly"—as he talks about what happens when chickens are dosed with gamma rays, the dead chicken begins to remind us of dead human beings. The scene is witty as well as slightly nauseating. But yet again: what *about* all the grinning callousness and pseudo-friendly hostility that this character radiates? Are these qualities ours? our government's? whose? Or is that the question?

Alchemy, Faust, sexuality, the A-bomb, the H-bomb, chicken grease —and I have not even mentioned Madame Curie, "Hubba Hubba," the happy propaganda film actually made by the Atomic Energy Commission, the slides of distinguished scientists and disfigured bomb victims, all of which, with many other wonders, appear in the course of *Dead End Kids*. But where are the threads to link them together? Yes, it is for the audience to make connections, but we could use more help than Akalaitis and her colleagues are willing to give us. Or so it seems to me.

And yet, thinking it over, I am torn between a feeling that to make a theater piece so open-ended is a kind of copout—an attempt to get the audience to do what the creators of the piece should have done—and a sort of suspicion that perhaps Mabou Mines is stretching our minds in a useful way, encouraging us to be more aware, more creative in the way we perceive theater. At any rate, in a season of political theater more vigorous than we have had for quite a while, *Dead Ends Kids* is by no means an insignificant piece of work. □

FILMS.

ROBERT HATCH

Heaven's Gate

The audience I joined for a Sunday morning showing of *Heaven's Gate* was in a holiday mood. Its members had paid $5 apiece to be guaranteed a seat at probably the most spectacular, certainly the most expensive, catastrophe in the annals of the American screen. Cheerfully admitting that the joke was on them, they had brought their sandwiches or bought their barrels of popcorn and settled in for a three-and-a-half-hour picnic. New Yorkers tend to behave well on occasions of great public inconvenience—transit strikes, power blackouts, stalled elevators and the like—and this crowd showed its good will by loudly, if perhaps ironically, applauding when the name of Michael Cimino, the director, was flashed on the screen. In a way, of course, we knew ourselves to be privileged: we were among the few moviegoers to see *Heaven's Gate* in its full state of drunken grandiosity. Even as the optimistic limited run for the Oscars was being exhibited in New York, the picture was being hurried off to some United Artists sanitarium, there to be sweated and pummeled into the semblance of a rational Western, for release again next spring.

The boozy metaphor occurs to me because I believe Cimino's trouble is that he is a cinemaholic. He is obsessed with shooting a film the way the fellow next to you at the bar is obsessed with telling you his troubles. Cimino has a good eye for photogenic material, but lacks the self-restraint that might give it shape or meaning. Once embarked on a scene, he begins to free associate with the camera, exploring all the alluring bypaths that come to his mind, hauling in armies of extras and building whole Brasilias of sets for the sheer joy of mayhem and revelry. Meanwhile, the half-dozen or so characters whose fates are presumed to concern us are swept aside, half submerged, by the hubbub of brass bands, the cries of rage or terror rising from a churning dance of humanity. The strain of heeding a narrative in this bedlam is like that of attending a conversation at a public relations cocktail party.

Cimino, author as well as director, picked out of American frontier history a likely episode on which to build his romantic melodrama. In the 1890s, Johnson County, Wyoming, became a battlefield when the cattle owners' association declared illegal, but officially condoned, war on the Middle European immigrants who were streaming in and establishing homesteads on the grazing lands. As projected on the screen, the cattlemen are utterly cold-blooded, the peasants are entirely desperate and the principal characters are divided by the claims of the opposing parties.

But the film does not begin in Wyoming in the 1890s; it begins at Harvard and remains there for the first half-hour. (Viewers familiar with Harvard Yard and environs may have some trouble placing these scenes; they were shot at Oxford.) The year is 1870; it is commencement time and the graduating class is shown disporting itself with a cynical disrespect for its alma mater that is bizarre and unexplained. A raucous, mildly obscene chapel ceremony (Joseph Cotten is the presiding clergyman) is filmed in full; there is an interclass free-for-all of the maypole variety, with young ladies crowding every window and balcony and comporting themselves with the modesty of a red-light community welcoming home the heroes of a Continental war. A particularly lovely and lingering passage is a swirling waltz of the entire graduating class and its ladies on the lawn of one of

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Oxford's most beautiful quadrangles. This diverting introductory footage establishes that the men we are to meet twenty years later on the open ranges of Wyoming had been classmates at Harvard. A director more respectful of money, not to say narrative proportions, might have done the same with a five-minute scene of bag packing, backslapping and vows of eternal friendship, but Cimino is not one to deprive his public of splendid architecture, summer dresses, marching bands and young gallants drinking imprudently from silver flasks.

And once the picture gets to Wyoming, sideshows continue to tempt it from its course. We are shown the confusion, brutality and raucous energy of a railhead town in the booming West, where a character with a strong Irish accent and a villainous-looking corncob pipe acts as chorus. A man steps into an emporium to buy a rifle and we get a tour of this vast merchandising enterprise, several hundred people in meticulously researched period costumes behaving vivaciously as customers and sales staff. On a night a bit later, much of the cast (say 150 souls) repairs to a roller-skating rink for displays of skill to captivating fiddle music. Extras fluent in a half-dozen European tongues are seen dragging their worldly goods across large sections of Wyoming, and but for the mountains, I would have thought them refugees from Waterloo.

Viewers with sharp eyes and attentive minds can find, scurrying about among these splendid, distracting tableaux, the drama that *Heaven's Gate* purports to unfold. It pivots on Jim Averill (Kris Kristofferson), Federal marshal of Johnson County, who has a mandate (but, as it turns out, lacks the power) to keep the peace in his territory. He deeply resents the growing arrogance and total bloody-mindedness of the cattlemen; more personally, he is vexed by an old college chum named Champion (Christopher Walken), who goes about blowing the heads off isolated settlers in anticipation of the association's extermination campaign. In addition to being ideologically in opposite camps, Averill and Champion are competing for the affections of the local bordello owner, a French girl named Ella.

This last part is taken by Isabelle Huppert, seen recently in *Every Man for Himself* and *Loulou*. Whether elegantly clothed or in the nude, Ella is a marvel of poise and resourcefulness. She handles horses and her customers with the same cool authority, and she responds to the importunities of her lovers with a tender dignity that would bring tears to eyes much harder than mine. In that place, at that time, Ella is no less an astonishment than a roller-skating rink. For his part, Averill is as baffled by his feelings toward Ella as by the sanguinary plans of the ranchers, whereas Champion, a hired murderer, is quite clear on both points: Ella is to be his wife and the immigrants are to be dead. However, the plot orders matters somewhat differently (among other things it rallies the polyglot herd of farmers and merchants into a war party as fearless and lethal as a band of Apaches), but you must wait until next spring for these details.

I am far from sure, however, that imposing discipline on *Heaven's Gate* will prove a rewarding task. It is only too probable that when the smoke and spectacle are cleared away—when the story is restitched together, with new passages filmed to clarify points where the tape seems to have been erased—when at last *Heaven's Gate* reappears sober and in its right mind, it will be apparent that Cimino wrote himself a remarkably silly movie.

All those Harvard chaps running into one another out there in Wyoming and blazing away with rude words and hot guns may look more Hasty Pudding than John Ford. We may discover that Kristofferson's brooding marshal is not so much complex as badly drawn and that there is more than a suggestion of Gilbert and Sullivan about the ogreish cattlemen. And it was evident, for all the dust that was blown in our eyes, that Ella is a daydream out of Cimino's high school days. He has a gift for staging hysterical crowd scenes without actually killing any of the extras (1,200 of them in this venture), but he is totally incapable of self-criticism when a romantic fancy seizes him. Above all, he is not a man to be given the freedom of anyone's purse.

What persuaded United Artists to be so careless with its purse will, I expect, be the enduring mystery of this peculiar episode. Cimino became a celebrity with *The Deer Hunter*, which, whatever its popular success, was a grotesquely self-indulgent film (you may remember the interminable wedding party), peopled with ill-defined characters. It set up a superman as hero and advanced an unacceptably biased view of the war in Vietnam. The historical source of *Heaven's Gate* was more remote, hence less vulnerable to Cimino's chauvinism, but the American frontier is a dangerous stamping ground for a director of his hyperbolic imagination and manipulative disdain for plausibility of plot or character. Whatever the budget first assigned to *Heaven's Gate*, it should have been obvious that its true cost would be a pretty penny. But Cimino is, or was, a star, and it seems that the businessmen were dazzled. As it happens, Transamerica, the conglomerate that owns United Artists, can probably absorb a loss of $38 million; whether the executives of United Artists will survive the present laughter is another question. □

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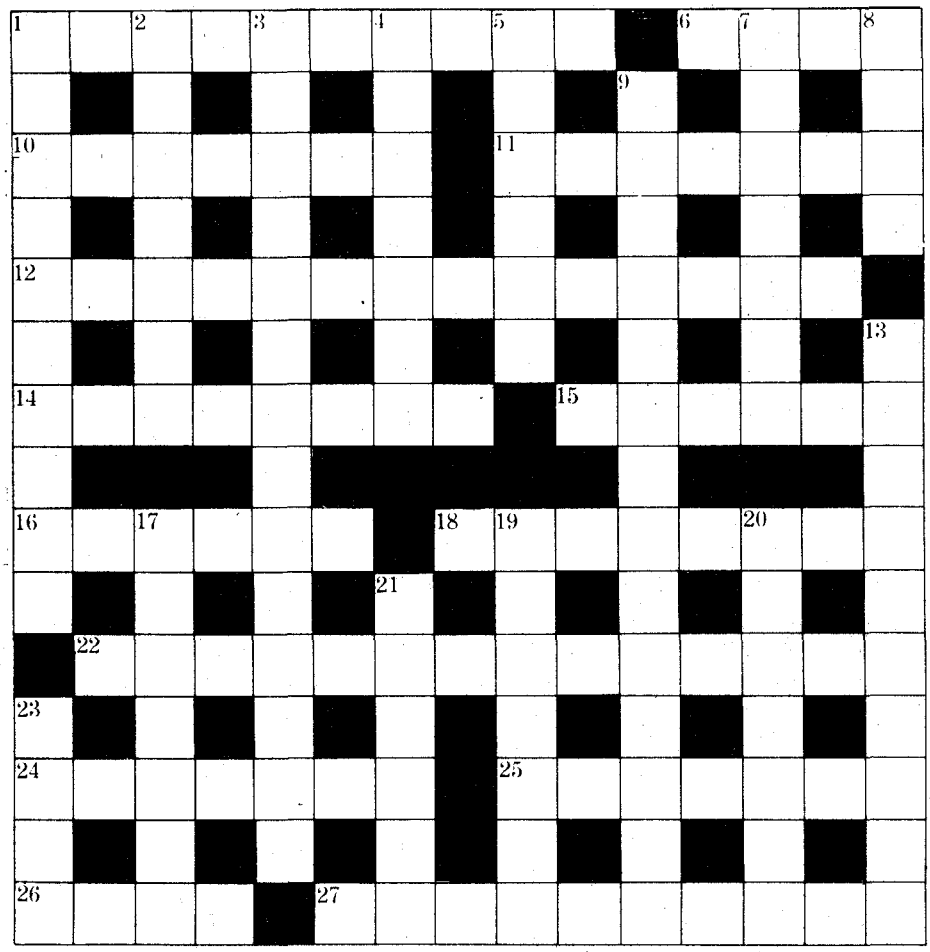

ACROSS
1 Logical ingredient for Russian soup? (3,7)
6 Help out with a little flutter? (4)
10 One in that dream structure in Spain? Yes, in Spain! (7)
11 One might be sorry to do it. (7)
12 Pere or fils, it doesn't matter. (9,5)
14 Change for ten cents, with care, could help take you through trouble in later years. (8)
15 Smoke curling about one associated with an ice house, perhaps. (6)
16 A very attractive part of the flower, in one sense, especially when coming out of a trance. (6)
18 One way to excite the setting of Act Four at the end of *Elsinore*. (8)
22 Antacid responsible for making the King of Siam lame? (4,2,8)
24 A snake of Irish origin? Talk like this, and someone might sue you! (7)
25 Abettor of a sort—and a little one, can you beat it? (7)
26 When the walls have them, are they bugged? (4)
27 What the cutter *George Washington* is associated with. (6,4)

DOWN
1 Getting out of hock, perhaps, and repeating one's words? (10)
2 Does one have to be already up to do so? (7)
3 Early Marxian output, eaten up by the younger generation. (6,8)
4 An old leach one might associate with certain ruling families. (7)
5 One might 24 the Romanies in saying this is swindled. (6)
7 Being wrong about Mr. Smith, you probably don't use such language. (7)
8 See 23 down
9 How those who know all the answers behave? Decidedly yes! (14)
13 A word of warning over an important piece of the deckhouse, perhaps. (10)
17 Not the Italian cutter *Figaro*—more likely to be a Yankee type. (7)
19 Small talk, or one who indulges in it? (7)
20 One who guarantees things are mixed up with letters for Russia. (7)
21 He's far removed from this again! (6)
23 and 8 Secure bonds will put a few points on the board, perhaps. (8)

SOLUTION TO PUZZLE NO. 1847
ACROSS: 1 Enrol; 4 Cartwheel; 9 Engrain; 10 Air crew; 11, 12 and 13 Time out of mind; 16 Annoyer; 17 Samurai; 19 Earthen; 22 Decorum; 24, 25, 26 and 6 down Keep up the good work; 29 Ekes out; 30 Showers; 31 Desperate; 32 Bossy. DOWN: 1 Eventuate; 2 Regimen; 3, 14 and 27 Lead by the nose; 4 Conquer; 5 Reasons; 7 Earlier; 8 Lowed; 15 Smack; 18 Immodesty; 20 Reefers; 21 Naphtha; 22 Dehisce; 23 Rooters; 24 Knead; 28 Comb.

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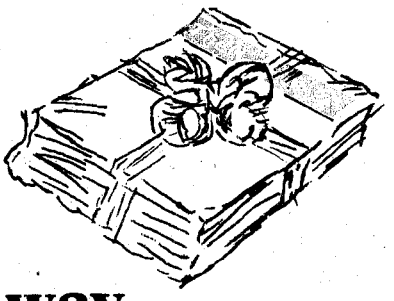

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